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Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Fifth periodic reports of States parties due in 2014

United Kingdom*

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Introduction

1. The UK Government is proud to present this review of progress in implementing the Convention on the Rights of the Child across the United Kingdom (UK) since 2008. It is not possible in such a short space to do full justice to the many important developments that have taken place in England, Northern Ireland, Scotland and Wales, as well as in the British Overseas Territories and the Crown Dependencies. We hope, however, that it will demonstrate our firm commitment to the progressive implementation of children's rights under the Convention. We look forward to presenting the Committee with further information during the course of the review.

Overall progress

2. Our prime aim is to help all children achieve their potential, but we are also committed to narrowing gaps between the most disadvantaged and their peers. We have used a variety of data and independent sources to assess our progress.

Key data

3. There have been significant improvements in children's outcomes in the following areas:

(a) **Deaths of children** aged under 19 in England and Wales fell by 15.3 per cent between 2007 and 2012;

(b) The **infant mortality** rate fell by 10.6 per cent in England and Wales, 12.7 per cent in Scotland and 12.2 per cent in N. Ireland between 2007 and 2011;

(c) The **under-18 conception** rate fell by 32.9 per cent in England and Wales and 12.6 per cent in Scotland between 2007 and 2012. The number of live births to under-18s in N. Ireland fell by 27 per cent between 2008 and 2012;

(d) The proportion of children in England aged 11–15 who had **taken drugs** in the previous year fell from 15 per cent in 2008 to 12 per cent in 2012;

(e) The proportion of children in England aged 11–15 who had **drunk alcohol** in the previous week fell from 18 per cent in 2008 to 10 per cent in 2012;

(f) Children's **educational attainment** is improving. In England, the percentage attaining 5 GCSEs at grades A*–C increased from 65.3 per cent in 2007/08, to 81.8 per cent in 2011/12; those achieving 5 GCSEs including both English and Maths increased from 47.6 per cent in 2007/08, to 59.4 per cent in 2011/12. Pass rates in Scotland increased for all major qualifications including final year of results in Standard Grades. Higher pass rates were up from 72.9 per cent in 2006 to 77.4 per cent in 2013;

(g) The number of children **permanently excluded from school** fell by 36 per cent in England and by 58 per cent in Wales between 2007/08 and 2011/12. Exclusion from Scottish schools decreased by 40 per cent;

(h) 3,980 **children were adopted** in 2012–13, up 15 per cent from 2012 and the highest number of adoptions since the current data collections began in 1992;

(i) The **number of first time entrants to the criminal justice system** in England and Wales fell by 63 per cent between 2008 and 2012. The number of under-18s convicted in Scottish courts fell by 53 per cent;

(j) The **average number of children in custody** fell by 33 per cent in England and Wales; and by 42 per cent in Scotland between 2007/08 and 2011/12;

(k) The number of **Scottish children referred to the Children's Reporter** has dropped by 33.1 per cent since 2008/09 and is at its lowest level since 2002/03.

4. The above represents good progress in some key areas. However, we are concerned about other data which show significant differences in the outcomes of children from different backgrounds, or which appear to show that aspects of children's lives have got worse. For example:

(a) The number of children in England who were **subject to a child protection plan** increased by 47 per cent between 2008 and 2012; and numbers of children on child protection registers increased in Wales (+17.5 per cent), Scotland (+23 per cent) and N. Ireland (+2.7 per cent). These increases may be due to better identification of children at risk, rather than because more children are being harmed;

(b) There remain **significant gaps in educational attainment**: in England only 36.8 per cent of children eligible for free school meals achieved 5 GCSEs (including English and Maths) at A*–C grades in 2011/12, compared to 63 per cent of all other children. The comparable figures for N. Ireland were 34.1 per cent and 67.9 per cent;

(c) A significant proportion (4.5 per cent) of 16 and 17 year olds across the UK were **not in education, employment or training** in Oct–Dec 2013 – although this has fallen from 6.2 per cent in Apr–June 2012; and 4.9 per cent in Apr–Jun 2013.

United Nations Children's Fund (UNICEF) Report Cards: 2007 and 2013

5. In the 2007 Innocenti Report Card, the UK was ranked **21st out of 21** countries and was bottom of the rankings in assessments of the quality of family and peer relationships, the extent to which children engaged in risky behaviours, and children's subjective well-being.

6. In the 2013 report, the UK was ranked **16th out of 29** countries overall. This was partly due to the inclusion of a new aspect of children's well-being (Housing and Environment), on which the UK was ranked 10th out of 29 countries, but also reflects better scores on material well-being, risks and behaviours and subjective well-being, including children's self-assessment of their overall life satisfaction. Despite these improvements, the report card highlights long-standing challenges in relation to the UK's low post-16 participation rate and high proportion of young people not in education, employment or training (NEETs), which we are determined to address. A more detailed account of progress in each of the United Nations Children's Fund (UNICEF) well-being domains is attached at Appendix 2.

Office for National Statistics: Measuring National Well-Being Programme

7. In 2011, the Office for National Statistics (ONS) led a national debate on the well-being of the population. Nearly nine out of ten children aged 10 to 15 who subsequently took part in the UK Household Longitudinal Study said that they were relatively happy with their lives overall and only 4 per cent reported being relatively unhappy. Children were most positive about their friends (96 per cent relatively happy) and family (95 per cent relatively happy).

Children's Rights Director (CRD Survey)

8. In late 2013, the CRD consulted children in England in care, receiving social care services or living away from home on their experience in relation to key articles of the

Convention on the Rights of the Child. 2,424 children submitted their views. The percentages of those who are enjoying their rights all of the time or usually were as follows:

(a) The right to the education they need (93.5 per cent);

(b) The right to be healthy and to get treatment if they need it (92.6 per cent);

(c) The right to a decent standard of living (90.1 per cent);

(d) The right to be kept safe from all sorts of harm (such as being injured, neglected, sexually abused, or treated violently) (89.7 per cent);

(e) The right to play and do fun activities (89.4 per cent);

(f) The right to the care you need (87.8 per cent);

(g) The right to join in with other children and young people, as long as this isn't harming anyone (85.0 per cent);

(h) The right to your own opinions and your own religion, as long as you aren't harming anyone else (82.8 per cent);

(i) The right to privacy – for yourself, and for your letters or messages to other people (81.2 per cent);

(j) The right to say what you really think, as long as this isn't harmful to other people (76.9 per cent);

(k) (If you are old enough to understand the issue) the right to give your views on anything that affects you (76.3 per cent);

(l) (If you are old enough to understand the issue), the right to have your views taken into account by people making decisions about you (70.6 per cent);

(m) The right that every decision should be made in your best interests (73.2 per cent);

(n) The right not to have people attacking your reputation (72.1 per cent);

(o) The right to find out things you want to know (71.6 per cent).

Legislation

9. Several pieces of legislation since 2008 have introduced significant rights-enhancing measures. Appendix 3 provides a summary. They include new duties on Ministers in Wales and Scotland to take account of children's rights when carrying out their functions. The UK Government has introduced a Child Poverty Act to underpin the Government's aim to end child poverty. The Children and Families Act 2014 puts the best interests of children at the heart of the family justice and alternative care systems and in arrangements to support children with special educational needs.

New challenges in a changing world

10. There have been enormous changes around the world and in the UK since the last periodic review. The world economic crisis had a huge impact on the fiscal strength of the UK economy and put intense pressure on public finances. By taking the difficult decisions needed to reduce the budget deficit, the Government has sought to secure the economic stability of the UK in the future. This rigorous approach to bearing down on public expenditure will reduce the threat of the UK experiencing further recession, and help to protect children's rights in the future Despite having to make difficult choices about public spending, the Convention on the Rights of the Child has been a key point of reference for

the Government in determining how it will approach these challenges. In particular, despite the significant funding pressures that have existed, the Government has protected levels of funding on areas of spending that are central to children's lives, including education and health.

11. Globalisation, the movement of families across international borders, developments in information technology and social media and the increasing diversity of family structures and cultural backgrounds have led to a growing complexity of new challenges, especially in relation to:

(a) Internet safety;

(b) Cyber bullying;

(c) The increased sexualisation of children;

(d) The impact of the recession on disadvantaged families; and

(e) A growing awareness of trafficking and exploitation among both adults and children.

12. Our commentary on specific issues and policy developments are covered in more detail in the individual chapters in this report. These focus on specific clusters of Convention articles and respond to the Committee's concluding observations from 2008 (CRC/C/GBR/CO/4).

Chapter I
General measures of implementation

Introduction

13. There have been significant developments in each of the four nations that will help to embed the Convention on the Rights of the Child within policies, legislation and the way services to children are delivered.

Reservations and declarations to the Convention and the Optional Protocols

14. The UK signed the Convention on the Rights of the Child in 1990 and ratified it in 1991. The State Party has no reservations or declarations in respect of the Convention.

15. The UK signed the **Optional Protocol on the involvement of children in armed conflict** in September 2000 and ratified it in June 2003. At the time of signing, and upon ratification, the UK Government made a declaration stating that it would take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities (see appendix 1 for more detail).

16. The UK signed the **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography** in September 2000 and ratified it in February 2009. The State Party has no reservations or declarations in respect of this Optional Protocol. In 2011, the UK submitted its first periodic report on progress the UK had made in implementing the provisions of the Optional Protocol. There is a preference in the UK to use the term indecent images of children or child abuse imagery in place of the term "child pornography" and we would therefore urge the United Nations to use the phrase "indecent images of children" rather than "child pornography".

17. The UK has not signed the **Optional Protocol on a communication procedure**. The UK already has strong and effective laws under which individuals may seek enforceable remedies in the courts or tribunals if they feel that their rights have been breached. Nonetheless, the Government recognises that ratifying the Optional Protocol may add further protection for children in respect of their rights and will continue to keep this under review in light of emerging information about procedures and practice.

Bill of Rights (CRC/C/GBR/CO/4, para. 11)

18. The United Nations recommended the State Party should develop a British Bill of Rights and a Bill of Rights in Northern Ireland incorporating the Convention's principles and provisions. The Government did not accept the recommendation on a British Bill of Rights but as part of its own policy work established a Commission in March 2011 to investigate a UK Bill of Rights. The Commission submitted its final report in December 2012.[1] The Government accepted the Commission's central conclusion that the time was not right to proceed with a Bill of Rights because of the way our human rights framework is tied into the devolution settlements and the forthcoming referendum in Scotland. With regard to a Bill of Rights for Northern Ireland, the UK Government, which retains responsibility in this area, would like to see the issue resolved on the basis of consensus between the political parties in Northern Ireland.

Measures to bring domestic legislation in line with the provisions of the Convention (CRC/C/GBR/CO/4, para. 11)

19. As a general principle, the State Party does not incorporate international treaties directly into domestic law. Alternative steps have been taken within each jurisdiction to ensure that all aspects of law and practice are compliant with the Convention on the Rights of the Child.

England[1]

20. The UK Government has undertaken a detailed analysis of how the rights and obligations set out in each of the articles in the Convention are protected by legislation and case law. This was published in March 2010.[2] All legislation introduced to Parliament is assessed to ensure it is compatible with individuals' human rights, as set out in the European Convention on Human Rights (ECHR); and compatible with our obligations under the Convention, and child rights impact assessments undertaken where appropriate for the key legislative proposals affecting children.

21. The UK Government reaffirmed its commitment to give due consideration to the Convention in policy and legislation through a Ministerial statement to Parliament in December 2010.[3]

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[1] The full report can be found at – http://www.justice.gov.uk/about/cbr/.

1 This also relates to the UK in respect of non-devolved matters.

2 The key legislative provisions, case law and policy can be found at http://www.education.gov.uk/childrenandyoungpeople/healthandwell-being/b0074766/uncrc.

3 The Written Ministerial Statement can be referenced via this link: http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101206/wmstext/101206m0001.htm.

Northern Ireland

22. Section 75 of the Northern Ireland Act 1998 created an equality duty. Departments and other public authorities must consider the impact of their policies, programmes and projects on nine section 75 groups. Age is one of the nine groups so the impact of any policy on children and young people must be screened. If there is potential for major impact, particularly an adverse impact, then a full equality impact assessment (EQIA) must be carried out. The Equality Commission for Northern Ireland sets the guidelines for how EQIAs should be completed.

Scotland

23. The Children and Young People (Scotland) Act 2014, was passed by the Scottish Parliament in February 2014. The Act places a new duty on Scottish Ministers to: keep under review whether there are steps they might take to strengthen their approach to implementation of the Convention; take actions which they believe to be appropriate in response and be prepared to justify the impact of those actions. It also places a duty on Scottish Ministers to promote awareness and understanding of the Convention and introduces new reporting requirements designed to support increased scrutiny of the entire public sector's approach to implementing the Convention.

Wales

24. In 2011, Wales incorporated children's rights into domestic law through the introduction of the Rights of Children and Young Persons (Wales) Measure 2011.[4] Since 1 May 2012, the Measure has required Welsh Ministers to have due regard to the articles of the Convention and its Optional Protocols when developing new or amending existing policies and/or legislation. From May 2014, the Measure will be extended to require Welsh Ministers to have due regard to children's rights whenever they exercise any of their functions. The Measure also confers a power on Welsh Ministers to make an Order amending other legislation or prerogative instruments if they conclude that it would be desirable to do so to give further or better effect to the rights and obligations in the Convention or its Optional Protocols.

25. The Measure also requires Welsh Ministers to produce a Children's Rights Scheme which defines the roles and responsibilities of both individuals and groups within the Welsh Government and sets out how the duty will be implemented. The Children's Rights Scheme has been approved by the National Assembly for Wales.

Convention on the Rights of the Child, strategies and plans (CRC/C/GBR/CO/4, para. 15)

26. In 2009, the State Party published a joint, UK-wide strategy, *Working together, achieving more*, which set out how the four nations would work together to implement the Convention on the Rights of the Child. This document set out the underlying principles which determine the UK's broad approach to Convention implementation and was underpinned by individual action plans for each nation.

[4] Subsequent to the referendum on further powers to the National Assembly for Wales in 2011, proposed laws are now called Bills, and enacted laws will be called Acts. The Measures made since 2007 will continue to be called Assembly Measures and will continue to have the same legal effect. What will change is that it will not be possible to make any more Measures and new laws made by the Assembly will be called Acts.

England[5]

27. In 2009, the then Government's *Priorities for Action*, set out proposals to address the Committee's recommendations following the last periodic review. The Coalition Government has taken a less centralised approach and given local decision-makers greater discretion to plan and deliver children's services. It has, however, underlined its commitment to Convention implementation through: introducing reforms through the Children and Families Act 2014; and issuing statutory guidance to all local Directors of Children's Services which requires them to have regard to the general principles of the Convention and to ensure that children and young people are involved in the development and delivery of local services.

Northern Ireland

28. The Children and Young People's Ten Year Strategy provides the strategic direction for improving outcomes for children and young people in Northern Ireland. A Child Rights Indicator Framework links progress on the outcomes in the Strategy directly to implementation of the Convention and informs both the development of policy and the delivery of children's services.

Scotland

29. Following the Committee's 2008 concluding observations (CRC/C/GBR/CO/4), the Scottish Government published a detailed action plan, *Do the Right Thing*, setting out its priorities for implementing the Convention over the medium to long term. A progress report was published in May 2012.

Wales

30. Following publication of the Committee's concluding observations in 2008 (CRC/C/GBR/CO/4), the Welsh Government consulted with a wide range of stakeholders on how best to take the recommendations forward. This resulted in the *Getting it Right Action Plan 2009*. The Welsh Government plans to refresh the action plan and consult on the new version.

Coordination (CRC/C/GBR/CO/4, para. 13)

31. The UK State party and the devolved governments each have Ministers who are responsible for coordinating implementation of the Convention on the Rights of the Child across the relevant jurisdiction. The five Ministers[6] liaise on areas of common concern and interest. There are also regular meetings between officials in the four jurisdictions to share progress and ideas about implementation of the Convention .

Resources to support implementation of the Convention on the Rights of the Child (CRC/C/GBR/CO/4, para. 19)

32. Identifying the proportion of Government spending which is allocated to children is difficult for a number of reasons:

[5] This also relates to the UK in respect of non-devolved matters.

[6] Includes both the First Minister and deputy First Minister in Northern Ireland.

(a) The UK Government has a policy of devolving resources to the front line, where they are spent on locally determined priorities;

(b) At national level, some funding supports all age groups and is not disaggregated for children;

(c) It is difficult to ascertain how Government support paid to families is used for the benefit of children within the households.

33. There is no doubt, however, that the UK's investment in children is substantial and wide-ranging (see appendix 4). Despite the worldwide recession and its impact on the UK economy, real levels of expenditure on children have been broadly maintained over the five years of the review period. This is at least partly due to the protection of some of the most important budgets for children, but it also reflects local prioritisation of resources for children. As a proportion of GDP, expenditure on children also appears to have been maintained.

34. We recognise that the distribution of resources between children is as important as the overall quantum. There are many examples of central Government using differential funding to create fairness and opportunities for all. For example, by 2014–15 the UK Government will be spending £2.5 billion on the Pupil Premium which provides additional support for disadvantaged pupils in schools, in order to close the attainment gap between them and their peers.

Provision of international assistance and aid

35. The UK treats its obligations towards less wealthy countries very seriously. Our aid programme has supported children in overseas countries in a range of ways, from improving the conditions that threaten children, providing water and sanitation and supporting better health and education. Funding that has benefitted children in particular includes:

(a) A pledge to support 9 million children in primary education and 2 million children in secondary education around the world by 2015; and to help train 190,000 teachers to improve the quality of learning;

(b) Funding of £220m to provide immunisation against vaccine-preventable diseases and to conduct research into new vaccines. In 2011/12, the UK Government's direct funding helped to vaccinate at least 84 million children;

(c) Support to prevent 12.9 million children and pregnant women from going hungry, and to ensure that 1.6 million births take place safely;

(d) £9.75 million for a five year programme from 2013–17 to help prevent trafficking of women and girls from South Asia, including specific support to 9,000 girls under 16 who will be supported to stay in school so that they are not compelled to migrate for domestic work.

36. In addition, the UK Government has supported the Overseas Territories (OTs) to improve child safeguarding since 2005, helping to raise awareness at the highest levels of government and in civil society in participating OTs. A new £1.8m child safeguarding project (launched in March 2014) will strengthen the evidence base on child abuse prevalence in the OTs, including sexual abuse and exploitation. In addition, the Government will continue to support child safeguarding service delivery in the aided Overseas Territories (St Helena, Montserrat and Pitcairn) through annual budget aid settlements.

Independent monitoring structures (CRC/C/GBR/CO/4, para. 17)

The Children's Commissioners

37. The UK has Children's Commissioners in each of the four nations of the UK, who are an established part of the framework of Convention on the Rights of the Child monitoring and implementation. They meet regularly with the Irish Commissioner as members of the British and Irish Network of Ombudsmen and Children's Commissioners (BINOCC). The Commissioners have developed an operational protocol to ensure that they work together to maximum effect.

38. In *England*, following an independent review and extensive consultation with NGOs and children, the UK Government has legislated to change the primary role of the Commissioner to one of promoting and protecting children's rights. The Children and Families Act 2014 also extended the Commissioner's remit and powers and reinforced the Commissioner's independence from Government.

39. The Northern *Ireland* Commissioner for Children and Young People has the power to receive and to respond to individual requests from children and their representatives.

40. *Scotland*'s Children's Commissioner is appointed by the Scottish Parliament. Through the Children and Young People (Scotland) Act, the Scottish Parliament extended the role of the Commissioner, enabling them to undertake investigations in relation to the experience of individual children. These new powers are due to take effect from 2016.

41. In *Wales*, the Children's Commissioner acts as an independent champion for children and young people, and has a statutory role to safeguard and promote the rights of children and young people in Wales, having regard to the Convention on the Rights of the Child. The Children's Commissioner for Wales's legislation affords powers of review and examination of public bodies and enables investigation of individual cases and provision of advice and support.

Equality and Human Rights Commission

42. In addition to the bodies above, whose focus is specifically on children, the Equality Act 2006 established the Equality and Human Rights Commission to support the rights of children and adults in GB. *Northern Ireland* has an Equality Commission and a Human Rights Commission established under the Northern Ireland Act 1998.

Dissemination, training and awareness-raising (CRC/C/GBR/CO/4, para. 21)

43. Following a review of the National Curriculum in *England*, the Government issued a revised Citizenship programme of study in September 2013 which makes it clear that maintained secondary schools should develop pupils' understanding of democracy, government and the rights and responsibilities of citizens; and includes a requirement that pupils should be taught about the United Kingdom's relations with the United Nations.

44. Awareness raising sessions on the Convention on the Rights of the Child have been arranged for officials working on policy or legislation which may affect children. The Convention is also a key element of training and guidance for frontline staff working with children, such as those at border controls or working in youth custody.

45. In *Northern Ireland*, copies of the Convention have been sent to pupils in all schools and further education colleges and to almost 4,000 civil servants. Initial teacher training includes provision related to the Convention. Since 2009/10, all children between Year 1

and Year 12 have undertaken Citizenship Education which seeks to develop their capacity to participate positively and effectively in society. Pupils have opportunities to learn about the key principles outlined in the Convention and the European Convention on Human Rights (ECHR).

46. Action in *Scotland* includes: a three year programme to increase awareness and understanding of children's rights in every school and a minimum set of common core skills, knowledge, understanding and values (cross-referenced to the Convention) which every worker (paid or unpaid) should have if they work with children, young people and families. The Children and Young People (Scotland) Act placed a duty on Ministers to promote public awareness and understanding of the Convention.

47. In *Wales*, the Rights of Children and Young Persons (Wales) Measure 2011 placed a duty on Welsh Ministers to promote knowledge and understanding among the public (including children) of the Convention and its protocols. Actions to promote the Convention include: a dedicated website providing resources for children, young people and adults working with children; resources to help officials gain a better understanding of the Convention; and systematic training of all professional groups working for and with children.

48. Between 2008 and 2010 the UK Government provided £521,000 of pump priming funding to help UNICEF establish the Rights Respecting Schools (RRS) programme. Over 1,000 schools across the UK have gained RRS status. The Rights Respecting Schools Award (RRSA) recognises schools' achievements in putting the Convention at the heart of planning, policies, practice and ethos.

Cooperation with civil society (CRC/C/GBR/CO/4, para. 23)

49. In *England* Ministers have held twice-yearly meetings with key NGOs and an NGO reference group has helped to plan the process and to act as "critical friends" in the drafting of this submission. In *Northern Ireland*, the Executive took part in a series of engagements with children and young people hosted by children's organisations. The *Scottish Government* supports "Together", an independent alliance of non-government organisations, to publish an annual *State of Children's Rights* report, monitoring the progress made to implement the Convention on the Rights of the Child in Scotland. The Scottish Children's Rights Implementation Monitoring Group meets three times each year to monitor progress with implementation of the Convention. The *Welsh Government* convenes the "Getting it right support network" to allow groups and organisations that support children and young people to advise on addressing the concluding observations. "The Wales UNCRC monitoring group" also scrutinise compliance to the Convention.

Chapter II
General principles (arts. 2, 3, 6 and 12)

Introduction

50. Progress has been made towards delivering the general principles since the last review, not least through the Equality Act 2010, which consolidates anti-discrimination law; and through numerous consultations with children and young people to inform the development of policy and legislation (see appendix 5).

Promoting the best interests of the child (CRC/C/GBR/CO/4, para. 27)

51. The principle of the best interests of the child is enshrined in legislation, policy and practice across the UK. In *England* Section 1 of the Children Act 1989 (CA 1989) provides that, in any proceedings relating to the upbringing of a child or the administration of the child's property or application of any income arising from it, the child's welfare is the paramount consideration. This applies to both private family law proceedings under Part 2 of the CA 1989 and public law proceedings – emergency protection orders, care orders and supervision orders.

52. New measures introduced through the Children and Families Act 2014 to strengthen arrangements for adoption, promote family life and reform support for children with special educational needs, are all predicated on the assumption that decisions affecting children should be in their best interests and take account of their views, wishes and feelings.

Respect for the views of the child (CRC/C/GBR/CO/4, para. 33)

53. The UK fully endorses and promotes the principle that children and young people should have opportunities to express their opinion in matters that affect their lives. This applies to national or local policy making and to decisions affecting individual children. The UK Government provided funding of £366,000 in 2013/14 and £300,000 for 2014/15 to the British Youth Council (BYC) to strengthen and maintain the UK Youth Parliament and deliver the Youth Voice programme, which has created a range of opportunities for children and young people to participate in decision-making:

(a) The UK Youth Parliament has 600 elected Members of the Youth Parliament (MYPs) aged 11–18. It provides opportunities for young people to use their voice in creative ways to bring about social change. A quarter of a million young people voted to select the issues debated at the Parliament's annual Commons sitting on 23rd November 2012; and nearly half a million for the sitting held on 15 November 2013;

(b) The Youth Select Committee (11 members aged 15–18)—launched in April 2012 with support from the UK Parliament—has given young people opportunities to hold inquiries into issues that young people care about. The first inquiry in July 2012 looked at Transport. The second inquiry, in 2013, looked at education and the national curriculum. The third inquiry looking at lowering the voting age to 16 is under way;

(c) The National Scrutiny Group has allowed children and young people to have two-three meetings per year with Ministers and government officials. The BYC has facilitated regional workshops with young people, for example, in 2013 on the Convention on the Rights of the Child articles (12, 15 and 42) for the Department for Education and a workshop on HealthWatch for the Department of Health;

(d) In *England*, almost 20,000 children aged between 11 and 17 have volunteered to represent their peers through Local Youth Councils (LYCs) which influence local decision-making and help to shape local services.

54. Between 2007 and 2012, the *Northern Ireland* Executive funded the Participation Network to enable Government departments and agencies to engage proactively with children and young people when developing policy.

55. In *Scotland*, the Scottish Youth Parliament has 150 members and three national sittings each year. It undertakes two national campaigns annually and delivers a range of peer education and outreach programmes to engage and involve young people across Scotland in the democratic process.

56. In *Wales*, the Children and Families (Wales) Measure 2010 places a duty on local authorities, working with their partners, to promote and facilitate participation by children and young people in decisions that might affect them. The Children and Young People's Assembly for Wales, Funky Dragon, enables children's views to be heard at a national level, through their elected representatives.

Tackling the negative portrayal of children and young people in the media (CRC/C/GBR/CO/4, para. 25 (a))

57. Freedom of expression is an important principle in the UK. This makes it difficult and inconsistent for the Government to impose restrictions on how young people are portrayed in the press and broadcast media. Ofcom is the independent, statutory regulator for broadcast media in the UK, and sets out clear guidelines on the protection of under-18s in section one of its Broadcasting Code.

58. In *England*, positive images of young people have been promoted through the Government's *Positive for Youth* document, published in December 2011, which recognised that 99 per cent of young people are responsible and hard-working, want to make the most of their lives and want to make the world a better place. The UK Government has also supported initiatives allowing children to engage in local social action projects or to become involved in local decision-making. These include "Step Up to Serve", which aims to double the number of young people participating in social action to by 2020; National Citizen Service which over 70,000 young people have undertaken since 2011 and the Children's Commissioner's "Takeover Day", which allows many thousands of children and young people to work with adult decision-makers for the day.

59. In *Northern Ireland*, the Executive supported a scheme to remove inter-generational barriers and tackle negative perceptions. Funding for 14 projects has led to positive reports about children and young people in local and social media.

60. In *Scotland*, the "Young Scot's Truth About Youth" project has challenged negative perceptions and changed attitudes towards young people. It has used inter-generational workshops and events, an online blogging and video website, and partnership with Scotland's Sunday Mail newspaper, to share young people's stories about the positive contributions they make to society. Impact statistics (June 2013) found that 73 per cent of participants were more positive about young people as a result.

61. In *Wales*, to celebrate the 20th anniversary of the Convention on the Rights of the Child being adopted, the Welsh Government launched *Tell it Like it is* – a media toolkit for those working with children and young people, including advice on how to promote positive images and stories. The Children's Commissioner in Wales has run a campaign *See Me Dyma Fi* to encourage the use of responsible and balanced imagery and language when portraying children and young people.

Protecting children and young people from discrimination (CRC/C/GBR/CO/4, para. 25 (b))

62. Under the Equality Act 2010, schools must have due regard to the need to eliminate discrimination, advance equal opportunity and foster good relations between children.

63. Romany Gypsies and Irish Travellers groups are fully protected by the anti-discrimination provisions in the Equality Act 2010. In *England* a Ministerial working group report, published in April 2012, set out measures to improve outcomes for the Gypsy, Roma and Traveller communities. These included: piloting a virtual head teacher to champion the

interests of Gypsy, Roma and Traveller pupils across their local authority and measures to address the high levels of school exclusion amongst Gypsy and Traveller children.

64. In *Northern Ireland* the Race Relations (Northern Ireland) Order 1997 (as amended) provides protection to minority ethnic groups including Irish Travellers. The Racial Equality Strategy (2005–2010) and the new Racial Equality Strategy (currently scheduled to go out for consultation in Spring 2014), reflect a strong commitment to the mainstreaming and promotion of racial equality and good race relations. These objectives are supported by a Minority Ethnic Development Fund which disbursed funds of £1.1m in 2012/13 to minority ethnic integration activities.

65. In *Scotland*, the Scottish Government is investing nearly £6m during 2012–15 in organisations which aim to tackle racism and religious intolerance and improve the lives of minority ethnic and religious communities. In April 2012, the *Welsh Government* launched its *Strategic Equality Plan (SEP)*[7] and equality objectives; as well as a *Framework for Hate Crime* in the summer of 2013, which focuses on hate crime based on race, religion, disability, sexual orientation and gender identity.

Right to life, survival and development (CRC/C/GBR/CO/4, para. 29)

66. In *England* and *Wales*, infant mortality rates are improving with 4.2 infant deaths per 1,000 live births in 2011 – the lowest rate on record (Data annex table F2.1). This compares with 11.1 deaths per 1,000 in 1981, a 62 per cent decrease. There has been a steady decline in the number of under-19 deaths during the reporting period.

67. In *England*, statutory procedures must be followed if a child dies. Local Safeguarding Children Boards (LSCBs) are required by law to collect and analyse information about each death with a view to identifying: any case which meets the criteria for a Serious Case Review (SCR); any matters of concern affecting the safety and welfare of children in the local authority; and any wider public health or safety concerns arising from a particular death or from a pattern of deaths.

68. In *Wales*, a new Child Practice Reviews[8] framework was introduced which will help improve the culture of learning by reviewing child protection cases to identify common and preventable factors. Wales has also developed a *National Action Plan to Reduce Suicide and Self Harm*.[9]

69. Every unexpected child death or serious injury which occurs in police custody in *England* and *Wales* is subject to investigation either by the police or by the Independent Police Complaints Commission. There is also a Coroner's Inquest before a jury. This is held in public, and the family are able to attend and question witnesses.

70. Serious Case Reviews (SCRs) are carried out in cases where abuse or neglect is known or suspected and a child dies or is seriously harmed and there are concerns about how organisations or professionals worked together to protect the child. SCRs are also commissioned if a child dies in custody. The UK Government has taken steps to strengthen arrangements for SCRs so that lessons from serious incidents can be learned more effectively. Final reports of all SCRs must be published on the LSCB's website.

71. In *Northern Ireland* a statutory Regional Safeguarding Board for Northern Ireland (SBNI) was established in September 2012. The SBNI has a statutory duty to undertake

[7] The Strategic Equality Plan.
[8] New framework to improve child protection practice.
[9] Talk to me: The national action plan to reduce suicide and self-harm in Wales.

Case Management Reviews (CMRs) in circumstances where a child has died or been significantly harmed and specific criteria are met.

72. In *Scotland*, the Scottish Government does not require automatic reviews of child deaths or significant incidents but is taking action to strengthen the current approach. All future incidents will be reviewed by the Care Inspectorate, which is responsible for inspecting children's services.

Access to justice

Legal Aid

73. The UK Government promotes early dispute resolution and other alternatives to litigation. However, Legal Aid is available to support those people, including children, who really need it. For civil legal aid, this includes cases where life or liberty is at stake, if a person is at risk of serious physical harm or immediate loss of home, or where their children may be taken into care. Legal aid can also be made available if there is a risk of an individual's ECHR rights being breached and to meet European Union obligations.

74. In 2013, the UK Government consulted on reforms to the legal aid system to withhold criminal legal aid from individuals in custody where there is an alternative means of redress. Complaints systems are in place in Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs) in England and Wales to enable young people to resolve issues relating to their detention. Advocacy services are also provided in YOIs, STCs and SCHs to assist young people in navigating the complaints, grievance or disciplinary systems. If a young person is not satisfied with the outcome of a complaint they are able to refer the issue to the Prisons and Probation Ombudsman (in YOIs and STCs), statutory Monitor (in STCs) or to Local Authorities (in SCHs).

75. The UK Government also consulted on a residence test for entitlement to civil legal aid. We concluded that a number of categories of people should not have to satisfy the test, including: asylum seekers and serving members of UK Armed Forces and their immediate families, and cases involving vulnerable people or child protection issues. We also concluded that children under 12 months old would not be required to have 12 months of previous lawful residence, and other categories of refugee who never make a claim for asylum in the UK, but are resettled or transferred here will not have to satisfy the residence test until 12 months after they arrive in the UK. In reaching these conclusions, we took account of the views raised by consultees, including children's rights NGOs, and are satisfied that they are compatible with the Convention on the Rights of the Child.

Chapter III
Civil Rights and Freedoms (arts. 7, 8, 13–17 and 37 (a))

Introduction

76. The UK has a long history of promoting civil rights and freedoms. The Human Rights Act[10] 1998 made rights from the 1950 European Convention on Human Rights (ECHR)[11] enforceable in UK courts. Several civil rights and freedoms protected by the

[10] http://www.legislation.gov.uk/ukpga/1998/42/contents.

[11] The 1950 European Convention on Human Rights (ECHR) is a binding international agreement that the UK signed and ratified more than half a century ago. The Convention rights apply to all

Convention on the Rights of the Child are also provided for in the ECHR and are consequently directly enforceable in UK courts and tribunals. The rights to freedom of expression (article 13 of the Convention, article 10 ECHR) and freedom of thought, conscience and religion (article 14 of the Convention, article 9 ECHR) are afforded special statutory protection in the Human Rights Act 1998 and UK courts and tribunals must have particular regard to their importance.

Freedom of peaceful assembly (CRC/C/GBR/CO/4, para. 35)

77. Children in the UK have opportunities to take part in a variety of organised group activities, linked to their school or local community. They also have opportunities to meet in various informal settings such as in youth clubs or parks.

Use of mosquito devices

78. The UK Government has repeatedly emphasised our opposition to the discriminatory use of mosquito devices. Our *Positive for Youth* document encouraged young people "to challenge the discriminatory and inappropriate use of 'mosquito' devices" and provided examples of where this has been done successfully, leading to the banning of mosquito devices from all publicly owned premises within several local authority areas.[12]

79. During 2011 and 2012, the Scottish Parliament debated the use of such devices following a petition on behalf of the Scottish Youth Parliament and subsequently secured a commitment from the inventor of the device that all future devices sold to organisations in Scotland would include clear signage to show where the device is in use. Scotland's Commissioner for Children and Young People continues to consider this issue and is due to report his findings in summer 2014.

Stop and search

80. On 30 April 2014 the Home Secretary announced the Government's response to an extensive public consultation on stop and search powers, which includes a comprehensive package for reform of the use of stop and search. The measures are designed to ensure that the police use all stop and search powers lawfully, in a targeted and intelligence-led way; and local communities must be able to hold the police to account for their use of the powers. The Government believes that these measures will contribute to a significant reduction in the overall use of stop and search, better and more intelligence-led stop and search and improved stop-to-arrest ratios.

Protection of privacy (CRC/C/GBR/CO/4, para. 37)

Data protection

81. The Protection of Freedoms Act 2012 has brought in several positive reforms to put an end to unnecessary scrutiny of individuals and address infringements of children's privacy rights. The Act sets out a new framework for police retention of fingerprints and

individuals and all age groups, without discrimination, in all 47 States Parties of the Council of Europe, including the UK.

[12] Foreword to Positive for Youth — A new approach to cross-government policy for young people aged 13 to 19 — available here: https://www.gov.uk/government/publications/positive-for-youth-a-new-approach-to-cross-government-policy-for-young-people-aged-13-to-19.

DNA data. Adults or under-18s without convictions will no longer have their DNA profiles and fingerprints retained indefinitely. Under-18s who have one conviction for a minor offence will have their DNA profiles and fingerprints deleted after 5 years (plus the length of any custodial sentence); and they must be destroyed straightaway if the individual was arrested unlawfully. The Act also requires schools and colleges to obtain parental consent before acquiring and processing biometric information for under 18s. A child also has the right to stop the processing of their biometric information regardless of any parental consent.

Protecting children in the media and taking part in public performances

82. Children in the UK are protected from press intrusion through a Code of Practice[13] administered by the Press Complaints Commission (PCC). In *Northern Ireland*, journalists helped to develop Guidance for Media Reporting on Child Abuse and Neglect (launched November 2012). Broadcasters operate a similar Code, which requires them to take reasonable steps to protect under-18s, through the appropriate scheduling of material that is unsuitable for them.

83. Child performances and appearances in broadcasts are subject to regulation and oversight designed to ensure the well-being and safety of child performers and that their education does not suffer as a result. Reviews of the arrangements are currently under way in *England* and *Scotland*, with the aim of streamlining them, and enhancing children's opportunities to perform while continuing to ensure they are safe and that the performance is in their best interests.

Cruel, inhuman or degrading treatment or punishment (CRC/C/GB/CO/4, para. 39)

84. The use of restraint in custodial settings, foster placements and children's homes is very tightly regulated and monitored. The UK Government's *Use of Restraint* framework, which covers custodial settings in *England* and *Wales*, sets out that restraint should only ever be used against young people as a last resort. It also states that physical intervention should never be used as a punishment.

85. A new system of "Managing and Minimising Physical Restraint" which has been independently assessed by child medical and behavioural experts is currently being rolled out in under-18 Young Offender Institutions and Secure Training Centres across *England* and *Wales*. Staff using restraint measures are expected to be trained in the use of safe techniques. The Independent Restraint Advisory Panel (IRAP) has been monitoring the implementation of the new system of restraint as well as assessing the systems of restraint commissioned for use in Secure Children's Homes.

Corporal punishment (CRC/C/GB/CO/4, para. 42)

86. The UK Government does not condone any violence towards children and has clear laws to deal with it. Our view is that a mild smack does not constitute violence and that parents should not be criminalised for giving a mild smack.

87. All schools in *England*, *Northern Ireland*, *Scotland*, and *Wales* are banned by law from using any form of corporal punishment. There are some unregistered independent

[13] http://www.pcc.org.uk/cop/practice.html.

settings, providing part-time education, that are not covered by this ban. However, work is under way to develop a code of practice which will send a clear message about the expected standards that *all* settings should meet, and to highlight that assault of children is unlawful in any setting. Physical punishment has also been banned in child minding, other early years provision, local authority foster care and children's homes, either by statute or through codes of conduct.

88. The UK is taking a variety of action to promote positive parenting and caring relationships. Examples are included in *Northern Ireland*'s *Families Matter Strategy*, *Scotland*'s *National Parenting Strategy* and the *Help at Hand: A Positive Approach to Parenting publication* in *Wales*.

Chapter IV
Family environment and alternative care (arts. 5, 9–11, 18 paras. 1 and 2, 19–21, 25, 27 para. 4, and 39)

Introduction

89. The UK recognises that family relationships have the single biggest impact on children's well-being, development and prospects. We have taken steps to improve the guidance and support available for parents, helping them to carry out their role effectively and make the right choices for their children. We are also improving the quality of alternative care for children for whom living with their parents is not the best option.

Support for parents and families (CRC/C/GB/CO/4, para. 45 (a))

Early years and childcare reforms

90. The UK has introduced a range of measures to improve access to childcare, to help parents combine work and family life successfully and support children's development.

91. In *England*, the number of free hours of early education for 3 and 4 year olds has increased to 15 hours a week. This entitlement is being extended to the most disadvantaged 2 year olds – over 90,000 children are already benefiting and the target is to reach 40 per cent of 2 year olds (around 260,000 children) from September 2014. Additional funding has been made available to support all families eligible for Universal Credit, who will benefit from additional childcare support at 85 per cent, rather than 70 per cent. From autumn 2015, working families not receiving tax credits or Universal Credit will be eligible for a new Tax-Free Childcare scheme. Once fully rolled out, nearly 2 million families will be eligible to receive 20 per cent support on childcare costs up to £10,000 per child each year.

92. The Government is committing £50m of additional funding in 2015–16 for a new pupil premium for disadvantaged three and four year olds. The Early Years Pupil Premium (EYPP) will provide nurseries, schools and other providers of government funded early education with extra money allocated to the disadvantaged three or four year olds they provide childcare to. We are also improving parents' access to information about childcare options and maintaining a national network of Sure Start Children's Centres which enable children aged 0–5 and their families to access integrated services.

93. On 25 September 2013, the *Northern Ireland* Executive launched the first phase of Bright Start – the Executive's programme for developing affordable and integrated childcare. A Childcare Strategy is due to be published later in 2014.

94. In *Scotland* the Children and Young People Act (passed in February 2014) will deliver increased and more flexible early learning and childcare of 600 hours per annum for 3 and 4 year olds; and, for around 15 per cent of the most vulnerable 2 year olds from August 2014. From August 2015, this will be expanded to 27 per cent of 2 year olds based on free school meal eligibility.

95. In 2012–2013 the *Welsh Government* invested more than £150m in early education and childcare through the *Building a Brighter Future: Early Years and Childcare Plan*. *Flying Start* is the Welsh Government's flagship early years programme, which targets the most disadvantaged communities with higher concentrations of children under the age of four living in income benefit households. The Welsh Government is committed to doubling the number of children benefiting from the programme from 18,000 to 36,000 meaning that almost a quarter of children in Wales, under the age of 4, will be receiving services through the programme by 2016. The programme provides free, quality, part-time childcare for 2–3 year olds, enhanced health visiting, parenting support and support for early language development for families.

Improving parenting skills and support

96. The UK recognises the importance of strong and confident parenting and has taken steps to help all families access and benefit from parenting classes, creating a culture in which learning good parenting skills and seeking professional help when necessary becomes the norm.

97. In *England*, funding has been provided to third sector organisations to deliver family support services online or through helplines, providing advice on relationships, employment, education and benefits and specialist advice for parents whose children are disabled, have special educational needs, or behaviour problems. Parent Support Advisers are employed either by local authorities or schools, providing face-to-face support and advice for parents experiencing social, health or emotional problems. During 2008–2011, £102.5 million was made available to expand Parent Support Advisor work across all local authorities; and between 2011 and 2015, £30 million is being provided to strengthen relationship support services.

98. *Northern Ireland*'s family and parenting strategy, *Families Matter*, gives priority to early intervention and prevention in family support services. Family Support Hubs based on coalitions of agencies provide local early intervention services for children and families.

99. In *Scotland*, the National Parenting Strategy, published in October 2012, champions the importance of parenting, strengthening the support on offer to parents and making it easier for them to access this support. The strategy provides £18 million to create high quality, co-ordinated and accessible family support informed by engagement with parents.

100. In *Wales* the *Families First* programme focuses on prevention and early intervention and is designed to improve outcomes for children, young people and families. The programme is a key part of the Welsh Government's Child Poverty Strategy and the Tackling Poverty Action Plan. A total of nearly £89 million has been allocated to the programme for the two-year period 2012–14.

Family law

101. The Children and Families Act 2014 includes new measures in *England* and *Wales* to ensure the needs of children remain at the centre of the family law system. Attendance at a Mediation, Information and Assessment Meeting (MIAM) will be a requirement (with exemptions) for adults applying to court in certain types of family proceedings, with the aim of encouraging parents to reach agreement between themselves (out of court) wherever possible. When cases do go to court, the introduction of a new "child arrangements order"

will help to ensure that the main focus is on the needs and interests of the child. The most recent statistics (July–Sept 2013) show that the average time taken for a care or supervision order to be determined in the family courts is now 35.8 weeks, down from 54.6 weeks when the Family Justice Review reported in November 2011.

14. *Scotland* has well-established arrangements for the courts to make decisions, when necessary, on matters such as parental responsibilities and rights, where a child should live and how much contact a non-resident parent should have. The well-being of the child is central in all such cases.

Troubled families

102. In *England*, the Government has invested nearly £450m to turn around the lives of 120,000 troubled families by 2015. The Troubled Families programme aims to get children back into school, reduce youth crime and anti-social behaviour, put adults on a path back to work, and reduce the high costs these families place on the public sector each year. Local authorities reported in October 2013 that they had successfully turned around the lives of 22,000 troubled families. The Government has agreed to increase its investment in the troubled families programme from 2015/16, so that it can provide intensive help for 400,000 more families.

16. In *Wales*, the Integrated Family Support Services programme is rolling out new models of delivering services to vulnerable children and families who have complex needs, through intense integrated support from highly skilled professionals.

Young carers

103. The UK is committed to preventing young carers from undertaking inappropriate or excessive caring roles by ensuring that the person they care for is adequately supported. In *England* the Children and Families Act 2014 places an enhanced duty on local authorities to assess the needs and circumstances of young carers, as part of a "whole family" approach to assessment and support. In *Scotland*, the 2010 *Getting it Right for Young Carers* strategy set out steps to improve young carer identification and support within schools, colleges and the health service. A progress report linked to the Strategy was published in May 2013. In *Wales*, the *Carers Strategy for Wales*, published in June 2013, identifies young carers as a key priority. The strategy provides a framework for agencies to work together to deliver services and support to carers.

Violence, abuse and neglect (CRC/C/GB/CO/4, para. 51)

104. The UK is committed to protecting all children from abuse and neglect. Our child protection systems aim to identify children at risk of abuse or neglect early, and ensure they get the services and support needed to promote their welfare and protect them from harm based on an assessment of their individual needs.

105. In *England* there is a duty[14] on local authorities and their partners (including schools and colleges, the police, health service providers and the youth justice system) to co-operate to safeguard and promote the well-being of children and young people in their area. The Disclosure and Barring Scheme aims to prevent unsuitable individuals from working with children and young people.

[14] Section 11 of the Children Act 2004.

106. The Government is implementing a comprehensive series of reforms based on the Munro review (2011), which concluded that the child protection system had become too focused on compliance and regulation and had lost sight of what matters most – the views and experiences of the individual child. Key new measures include:

(a) A new inspection framework for services to safeguard children, which takes account of the feelings and experiences of children;

(b) Revised statutory guidance, *Working Together To Safeguard Children, 2013*, which provides a clear framework for professionals to work together and take action to protect children from abuse and neglect;

(c) A children's guide to *Working Together*, which helps children to understand their rights in respect of child protection;

(d) Improved accountability in the system by strengthening the role and responsibilities of Local Safeguarding Children's Boards (LSCBs);

(e) New guidance on the role of Directors of Children's Services and Lead Members on their duties and role in relation to vulnerable children and young people; and

(f) Clarifying the legal duty on local authorities to ascertain the child's wishes and feelings and to take account of them when planning the provision of services.

107. In 2012–13, there were 593,500 referrals, a decrease of 1.9 per cent from the previous year. The number of children dying as a result of abuse and neglect has remained relatively static at around 50 each year.

108. The process of Serious Case Reviews (SCRs) allows professionals to learn the lessons from serious incidents and child deaths. In July 2013, the Government set up a National Panel to challenge LSCBs on decisions to initiate SCRs and as a result more reviews have been carried out and published. In 2011, the Government established Domestic Homicide Reviews (DHRs) on a statutory basis in England and Wales. In 2013, following a public consultation, the Government changed the definition of domestic violence and abuse so it applies to 16 and 17 year olds and includes coercive and controlling behaviour.

109. In *Northern Ireland*, the key children's safeguarding policy guidance, *Co-operating to Safeguard Children* is being updated to reflect changes in legislation, guidance, policies and procedures since it was published in 2003.

110. *Getting it right for every child* is *Scotland*'s holistic approach to supporting children. Once fully implemented, every child in Scotland will have a named person who will receive training in supporting children and responding to their needs. *Getting it right* has been one of the key drivers for the significant reduction in the number of children referred to the Scottish Children's Reporter.

Child protection training and development for professionals

111. In *England* the Government has taken steps to strengthen the professionalism of social workers and improve their skills and capabilities. In September 2013 we appointed a chief social worker for children and families to bring focus and challenge to the profession; and have encouraged local authorities to do the same by appointing a Principal Child and Family Social Worker. Our "Step Up to Social Work" and "Frontline" programmes have helped raise the calibre of social work entrants. The Narey review (February 2014) will lead to further improvements, including clear expectations of what newly qualified children's social workers need to understand and be able to do.

112. The Royal College of Nursing, working with other health professional bodies, has updated the intercollegiate framework *Safeguarding Children and Young People: roles and competences for health care staff*. Additional training resources have also been made available to health care professionals to increase awareness of different forms of abuse and of the impact of domestic violence on children.

113. In *Wales*, following three reviews carried out in 2009, the Welsh Safeguarding Children Forum was established to ensure that safeguarding was achieved at a national, regional, and local level. In 2012 the *Scottish Government* published a common core of the skills, knowledge and understanding and values every worker (paid or unpaid) should have as a minimum if they work with children, young people and families.

Alternative care (CRC/C/GB/CO/4, para. 45 (b))

Placing children in care

114. In the UK there is a general presumption that children should remain with their families unless they are at risk of significant harm or neglect. Local authorities are required to consider a hierarchy of placement options, starting with rehabilitation with parents. Where this is not possible or inappropriate, the next option is to seek placement with a relative, friend or connected person who is a local authority foster carer, on the grounds that a child will benefit from living with someone they already know and trust, rather than with a stranger. Only if these options are not possible does a local authority seek a placement with a foster carer who is not a relative or in a children's home or other setting. As shown in the data annex (table E2.1) the number of children looked after by local authorities is growing, mainly due to the increasing intervention in cases of abuse and neglect or family dysfunction.

115. In *England*, the Government is funding 70 local authorities to deliver evidence-based interventions and therapies to help children in care, on the edge of care or in custody to remain with their families. Through the Children and Families Act 2014 the Government is introducing a maximum 26 week time limit to tackle delays in resolving care and supervision orders, using expert evidence when necessary to resolve proceedings justly and focusing the court's consideration of a care plan on the key issues. In Oct–Dec 2013, 48 per cent of care and supervision order applications were completed within 26 weeks, up from 26 per cent in October–Dec 2012.

116. In May 2012, the Government announced a programme of work to improve fostering services through six strands of work looking at: recruitment and retention, assessment and approval, delegation of authority and training and support of foster carers, long term foster placements and children's return home. The Government is also undertaking a comprehensive programme of reforms to the children's home sector, including changes to the legislative framework, so that local authorities only place children in homes with the capacity and stability needed to prepare them properly for the next stage in their lives.

117. In *Northern Ireland*, a major review of residential care provision has been completed. Key proposals include: a reduction in the size of children's homes to allow a stronger focus on the individual child including individually tailored plans; and the development of specialist fostering and/or edge of care services to prevent young people from entering residential care.

118. *Scotland* has well-established arrangements for the courts to make decisions, when necessary, on matters such as parental responsibilities and rights, where a child should live and how much contact a non-resident parent should have. The Children (Scotland) Act 1995 Act provides that the welfare of the child should be paramount in these decisions.

Children and young people subject to compulsory measures of care and removed from their families have decisions taken about their care at a Children's Hearing. Any decision should be reviewed at least annually although this can occur earlier where it is considered necessary by the local authority, the child or their family.

Preparing children in care for adult life (CRC/C/GB/CO/4, para. 45 (h))

119. The UK has put in place arrangements to help young people stay in their care arrangements until they are ready and properly prepared for independent adult life.

120. In *England* the Government has strengthened the regulations and statutory guidance for local authorities in relation to supporting looked after children and care leavers as they approach 18 and beyond. Local authorities must provide consistent personal support to care leavers and keep their needs under review up to age 21, or 25 where they are in education or training. New rules will ensure that more 16 and 17 year old care leavers will remain in care until their 18th birthday. From April 2014, these arrangements will be strengthened by a new duty on local authorities to support every care leaver who wants to stay with their former foster parents until their 21st birthday ("staying put" arrangements). £40 million is being made available over the next three years to support implementation.

121. Over 111 (out of 152) local authorities in England have signed up to the *Care Leaver's Charter*, pledging to support care leavers up until they reach age 25. Many Local Authorities have committed to giving Care Leavers at least £2,000 towards setting up their own home; and more than 30,000 Junior Independent Savings Accounts, covering three quarters of eligible children, have been set up with a £200 deposit funded by Government and voluntary contributions.

122. In *Wales*, data show that local authorities were in touch with 93 per cent of 19 year-old care leavers, 47 per cent of whom were in education, training or employment. In *Northern Ireland* a range of schemes have been introduced to help prepare children living in care to get ready for adult life, including the Going the Extra Mile (GEM) scheme to promote continuity of living arrangements for young people aged 18–21.

123. In *Scotland* the Children and Young People (Scotland) Act 2014 introduces a suite of new measures on continuing care. Starting in 2015 all 16 year olds in foster, residential and kinship care will be entitled to stay in their current care setting until the age of 21 before going on to receive appropriate aftercare support.

Strengthening the voice of children in care

124. The UK is firmly committed to the principle that the voice of the child should be at the heart of the care system.

125. In *England*, the Government expects every local authority to have a Children in Care Council (CiCC), which enables children and young people in care to meet with the Director of Children's Services and lead council member for Children's Services to discuss and share their views. CiCCs were, for example, instrumental in getting the vast majority of local authorities to sign up to the Charter for Care Leavers; and were prominent in discussions that led to the increase in the minimum "setting up home" allowance to £2,000.

126. All children who are looked after by a local authority must have a care plan which sets out the child's needs and how they will be met, including how the child or young person will be found a permanent home. The care plan must be reviewed regularly, including whenever a "significant change" is proposed. We have given children a new right

to request a review of their care/pathway plan when they have concerns about how they are being supported. All children in care have an Independent Reviewing Officer who chairs reviews of the child's care plan and has a legal duty to make sure it takes the child's wishes and feelings into account. In 2011 we strengthened the legislative framework for children in care, including the right to be supported by an advocate.

127. Cafcass[15] Special Guardians are independent advocates for children and young people who are going through care or adoption proceedings. Their job is to be the voice of children in the family courts and to ensure that children's welfare is put first during proceedings.

128. In *Scotland*, decisions about supporting children and young people who are removed from their families are taken through the Children's Hearings System, Scotland's system for supporting all children under 16 who may need some form of compulsory intervention. Steps were taken through the Children's Hearings (Scotland) Act 2011 to strengthen the voice of the child in that system.

Children with disabilities in long-term care (CRC/C/GB/CO/4, para. 45 (f))

129. Of the 68,110 children in care in March 2013, 2,260 (3 per cent) started to be looked after because of the child's disability. In *England*, the statutory care planning framework requires local authorities to ensure that their placement is suitable to their particular needs. The Government has developed a core service specification to support commissioners in ensuring high-quality care and support for children with learning disabilities who are in care (and their families).[16]

Contact proceedings for all children separated from their parents and siblings (CRC/C/GB/CO/4, para. 45 (g))

130. Maintaining contact with siblings is reported by children to be one of their highest priorities. In *England*, a child's care plan must include arrangements for maintaining contact with brothers and sisters. Social workers are required to facilitate such contact to support the development of healthy sibling relationships between children who are not able to live together. Arrangements will be monitored through the new Ofsted inspection framework for children's services to be introduced in November 2014.

Monitoring of children in care (CRC/C/GB/CO/4, para. 45 (e))

131. In *England*, the authority which has responsibility for a child's care must appoint a representative to visit the child wherever he or she is living. The frequency of visits is set out in regulations and statutory guidance and varies according to the type of placement. In *Scotland*, children who have been taken into care have their care arrangements reviewed at least annually at a "Children's Hearing". Reviews can be held earlier if the local authority, child or family consider it necessary.

[15] The Children and Families Court Advisory and Support Service.

[16] Transforming care: A national response to Winterbourne View Hospital: Department of Health Review Final Report (December, 2012) and Winterbourne View: Transforming Care One Year On (December 2013).

Children who have a parent in prison (CRC/C/GB/CO/4, para. 45 (d))

132. Most children who have a parent in prison will not be placed in care, but are generally supported by the other parent or another relative. If a child is taken into care, the relevant local authority has a duty to promote contact between the child and their parents and wider family unless this is not appropriate or practicable. This could be meetings but contact can also be promoted in other ways, for example, through letters and photographs. Scotland has established minimum standards for family support within the Scottish Prison Service so that all children affected by parental imprisonment are supported in a way that is timely, appropriate and proportionate to their needs.

Adoption (CRC/C/GB/CO/4, para. 47)

Domestic adoption arrangements

133. The UK agrees with the United Nations recommendation and has taken action to speed up the process of adoption for those groups of children that have historically taken longer to place, in particular Black and Minority Ethnic (BME) children. In *England*, the Children and Families Act 2014 has removed the requirement on professionals to take a separate account of ethnicity. Instead they will be required to consider this along with other aspects of a child's background when matching a child to prospective adopters. The Government is providing £200m to local authorities over 2013–15 through the Adoption Reform Grant, principally to increase the supply of adopters, especially those able to provide homes for harder to place children such as BME children, sibling groups and those with additional needs. In 2012–13, 3,980 children were adopted: up 15 per cent from 2012 and the highest number of adoptions since the current data collections began in 1992.

134. Further changes introduced through the Children and Families Act 2014 will: reduce unnecessary delays: improve the quality and timeliness of adoption services and strengthen the support for adopters. The Secretary of State for Education will have new powers to require local authorities to commission adopter recruitment services from one or more other adoption agencies and to consider placing children in "Fostering for Adoption" placements. Prospective adopters will have a more active role in identifying possible matches with children. Children adopted from care are also given priority in admissions to school and early years care, and their schools are able to claim an enhanced "pupil premium" to support their needs.

135. *Northern Ireland* plans to introduce an Adoption and Children Bill in early 2015 so that the adoption framework is more consistent with the principles and provisions of the Children (NI) Order 1995.

136. In *Scotland*, the number of adoptions has almost doubled since 2008 and Local Authority Adoption Service Plans have highlighted that a number of local authorities are taking steps to improve permanence planning. Scotland's Adoption Register, established in August 2011, was placed on a statutory footing through the Children and Young People (Scotland) Act 2014.

137. In *Wales*, the Social Service and Well Being (Wales) Bill proposes to place a duty on local authorities to come together to establish a single adoption agency. The Government is funding research looking into the reasons for adoption breakdown.

Inter-country adoption

138. As a result of an Order laid before Parliament, the Adoption (Recognition of Overseas Adoptions) Order 2013, adoption orders made in an Overseas Territory, after 3

January 2014 will not be recognised unless the Hague Convention on Inter-country Adoption has been extended to that Territory.

Chapter V
Basic health and welfare (arts. 6, 18 para. 3, 23, 24, 26 and 27 paras. 1–3)

139. This chapter provides information on a range of measures designed to promote children's health and welfare.

Health services (CRC/C/GBR/CO/4, para. 55)

140. In *England* the Government has prioritised health and protected the NHS budget despite unprecedented pressure on public finances. We are committed to better health and well-being for all and reduced health inequalities. A widespread consultation, including with children and young people, led to a system-wide pledge[17] published in February 2013, to improve children's health outcomes so that they become among the best in the world. The Pledge is based on shared ambitions that:

(a) Children, young people and their families will be at the heart of decision-making;

(b) Services will be high quality and evidence-based and safe;

(c) Early intervention will be as important as caring for those who become unwell;

(d) Services will be integrated and care coordinated around the individual;

(e) There will be clear leadership and accountability with organisations working in partnership.

141. Specific actions to support children include:

(a) Improvements to the child immunisation programme;

(b) An increase of 4,200 community-based health visitors;

(c) Doubling the number of families who will benefit from the Family Nurse Partnership Programme by 2015;

(d) Improvements to Child and Adolescent Mental Health Services (CAMHS), including improved access to therapies for children;

(e) A new national Children and Young People's Health Outcomes Board, led by the Chief Medical Officer, to establish a multi-agency approach to improving children's health outcomes for both physical and mental health;

(f) New health outcomes measures for children to help drive improvement for both physical and mental health.

142. An updated *Public Health Strategic framework* for *Northern Ireland* is under development. Consultation on the draft framework involved meetings with two groups of young people and young offenders.

[17] The Government Improving Children and Young People's Health Outcomes: a system wide response and Better health outcomes for children and young people.

143. In *Scotland*, a Ministerial Task Force on health inequalities, established in 2007, ensures a cross-government approach to addressing the inequalities in health between the most and least affluent areas. Scottish Ministers are committed to implementing the Family Nurse Partnership Programme—an intensive, preventive, home visiting programme for first-time, teenage parents—across Scotland.

144. In *Wales*, through the *School Standards and Organisation (Wales) Act 2013*, a duty has been placed on local authorities to provide independent counselling services for children in their area. The Welsh Government has ensured that each secondary school in Wales has a school nurse who works in partnership with educators, parents and carers, to promote a healthy environment for groups of pupils, and looks after the needs of individual young people.

Early identification programmes (CRC/C/GBR/CO/4, para. 53 (b))

145. The Government is aware of the clear evidence that pregnancy and the earliest years are critical to the future health and well-being of children and adults and that evidence-based early interventions can have significant short and longer term positive impacts. Smoking, alcohol, poor nutrition, and stress or the absence of a warm loving relationship can have significant negative impacts on all areas of a young person's life including their attainment levels and mental well-being.

146. Good quality health care and early intervention act to improve resilience in children and young people. Healthy behaviours in childhood and the teenage years set patterns for later life and support for improved health of children and young people can mean reducing inequalities and passing on the benefits to successive more resilient generations who are healthier, happier and enjoy improved life chances. In *England*, there are important work programmes to reduce stillbirths, low birth weight, reduce maternal smoking and improve the quality and safety of maternity services which will have a direct impact on infant mortality and morbidity and a child's right to good health.

147. In *England*, the Healthy Child programme is the key universal service for improving the health and well-being of children, through health and development reviews, health promotion, parenting support, and screening and immunisation programmes. Reviews at ages 2 to 2½ are part of the Public Health Outcomes Framework and allow parents to raise any concerns, prepare for the next stage of their child's development and access additional support if necessary.

148. The Healthy Child Programme (0–5) is led by health visitors and delivered by them and other health-care professionals; the 5–19 element is coordinated by school nursing services. The Government is committed to increasing the health visitor workforce by 4,200 (over 50 per cent) by 2015. *Getting it right for children, young people and family* (March 2012) provides a service vision and model to strengthen health services for school-aged children and young people and to promote optimal health and well-being.

149. The number of places on the Family Nurse Partnership programme is also being increased to 16,000 by 2015. The programme supports teenage first-time mothers and their babies, through a structured programme of intensive support during pregnancy and the first two years of their baby's life. School nurses also work with key partners to deliver a universal service for all school-aged children.

150. *Scotland*'s Early Years Collaborative, aims to improve outcomes and reduce inequalities for all children in Scotland, in particular in relation to reducing rates of infant mortality and achievement of early development milestones.

151. In *Northern Ireland* a review of health visiting and school nursing resulted in the publication of *Healthy Futures 2010–2015: The Contribution of Health Visitors and School Nurses* (March 2010) which reinforces the importance of integrated working and focusing on prevention and early intervention through universal services for all children and families.

Breastfeeding (CRC/C/GBR/CO/4, para. 59)

152. In *England* the Government's Public Health Outcomes Framework published in 2012 highlights the importance of "Breastfeeding initiation and prevalence of breastfeeding at 6–8 weeks after birth". The National Infant Feeding Survey conducted every five years since the late 1950s shows a continuous increase in breastfeeding initiation rates. The latest survey published in November 2012 reported an increase from 76 per cent in 2005 to 81 per cent in 2010 (data annex table F2.16).

153. *Scotland*'s *Improving Maternal and Infant Nutrition: A Framework for Action*, published in January 2011 sets out what NHS Boards, local authorities and others need to do to improve the nutrition of pregnant women, babies and young children and supports and promotes the benefits of breastfeeding. The Scottish Government fund UNICEF to deliver Baby Friendly Initiative (BFI) accreditation in maternity hospitals and in community settings in Scotland. 80 per cent of babies in Scotland are now born in a BFI accredited unit with the aim of increasing this to 100 per cent by 2015.

Supporting children with specific needs

Children with disabilities (CRC/C/GBR/CO/4, para. 53 (a))

154. Children with disabilities are protected against discrimination by the Equality Act 2010. The Act requires schools to make adjustments in practices, procedures and policies so as not to discriminate against disabled pupils in relation to their access to education and associated services.

155. The Children and Families Act 2014 introduced a new statutory framework. The key principles are to: place the views and interests of children and young people at the heart of decision making; avoid children being subjected to multiple and repetitive interventions; and improve awareness of the support and services available. Local authorities and health commissioners will be required to assess the overall education, health and social care needs in their locality and make joint arrangements for commissioning provision to meet them.

156. Local authorities will be required to publish a "local offer" providing details of the services they expect to be available for local disabled children and those with special educational needs (SEN) across education, health and social care. They must provide children with SEN and disabilities and their parents with advice and information, and involve them in developing and reviewing the offer. Local authorities must publish comments from them about the local offer, including comments them about any gaps in local provision, and publish the action they intend to take in response to those comments.

157. Children and young people with more complex SEN who require support from an Education, Health and Care assessment and plan will also benefit from changes that will:

(a) Include children, parents and young people in the assessment process and introduce a legal right to request a personal budget to cover their support needs;

(b) Ensure assessments and plans cover from birth to age 25;

(c) Give parents a greater choice of school and give parents and community groups the power to set up special free schools.

158. Introduction of the new arrangements will be supported by £30 million which will be available to recruit and train a pool of "independent supporters" to help the families of children and young people with special educational needs (SEN) through the new process and a £70m SEN and Disability Reform Grant to help local authorities prepare for implementation of the reforms. A Disability E-Learning Portal is being developed by a consortium led by the Royal College of Paediatrics and Child Health to provide training material for disability workers from all sectors, who work with children and young adults from 0–25 years across the full spectrum of disabilities.

159. In *Scotland*, the Social Care (Self-directed Support) (Scotland) Act 2013 will make a number of improvements to the realisation of children's rights. The Act concentrates on the provision of choice to children and families during their social care assessment. It provides a variety of options for the provision of support and it requires the statutory body to "give effect" to the child or family's choice. Scotland is taking forward a programme of work implementing policy for disabled children and young people in line with Getting it right for every child. This includes participation work with young disabled people to increase their capacity to identify and influence decisions around self-directed support. In *Northern Ireland*, the Executive's new disability strategy is being delivered through the Delivering Social Change (DSC) framework.

Children with mental health needs (CRC/C/GBR/CO/4, para. 57)

160. The Government Action Plan, *Closing the Gap: priorities for essential change in mental health*, highlights the importance of transition from CAMHS to AMHS (Adult Mental Health Services) or other appropriate services, and support for schools in identifying mental health issues sooner. In *England* the UK Government's Pledge for Improving Children and Young People's Health Outcomes has, as one of its aims, improving children's mental health through promoting resilience and mental well-being, and providing early and effective evidence based treatment for those who need it. Actions to achieve this include:

(a) £54 million 2011–12 to 2014–15 to fund the Children and Young People's Improving Access to Psychological Therapies (CYP IAPT) programme;

(b) Development of interactive e-learning programmes on mental health to extend the skills of those working with children in universal settings;

(c) £1.6 million per year (since 2007–08) to support the implementation of targeted Child Adolescent and Mental Health Services (CAMHS) within the HM Prison Service young person's estate (under 18s).

161. Action within the devolved administrations includes:

(a) In *Northern Ireland*, investment in CAMHS has increased from £9.5 million in 2006 to £19 million in 2013 including the development of a new 33-bed purpose built Child and Adolescent Mental Health Inpatient Unit and developments in services for eating disorders and crisis intervention;

(b) In *Scotland* a new mental health strategy was launched in 2012 which identified child and adolescent mental health as one of its four Key Change Areas. This work builds on the significant progress which has been made over the last three years to improve access to specialist CAMHS;

(c) In *Wales*, *the Mental Health (Wales) Measure 2010*[18] ensures that there is appropriate care in place across Wales and focuses on people's mental health needs, regardless of age.

Supporting vulnerable young people: health services in the secure estate

162. In *England*, following an investigation by the Children's Commissioner, responsibility for commissioning all health care services in the nine Secure Children's Homes transferred to NHS England from April 2013. The Royal College of Paediatrics and Child Health published new standards in June 2013[19] reflecting the views of a wide range of stakeholders, including children and young people in secure settings. A new Comprehensive Health Assessment Tool (CHAT) for use with under-18s is being introduced across the secure estate and will be fully implemented during 2014. A version for use in the community has also been developed, piloted and validated. The Children and Families Act 2014 makes provision for health care for children and young people with Education, Health and Care plans to be provided in custody.

Adolescent health (CRC/C/GBR/CO/4, para. 61)

Reproductive health education

163. Under-18 conception rates are now at their lowest level for over 40 years. In *England* and *Wales* the under-18 conception rate was 27.9 per 1,000 women aged 15–17 in 2012, a fall of 32.9 per cent from 2007. Work continues to build upon this progress and reduce rates still further.

164. In *England*, the Government's *A Framework for Sexual Health Improvement* published in March 2013 aims to improve the sexual health of young people through:

(a) All children receiving good quality sex and relationship education at home, at school, and in the community;

(b) All children knowing how to ask for help, and being able to access confidential advice and support about well-being, relationships and sexual health;

(c) Improving understanding of sexual consent and issues around abusive relationships; and

(d) Giving young people the confidence and emotional resilience to understand the benefits of loving healthy relationships and delaying early sex.

165. Similar initiatives are taking place in *Northern Ireland*, *Scotland* and *Wales*. The Welsh Government has funded a pilot scheme run by Public Health Wales (PHW) during 2010–13. This aims to improve SRE in schools. In *Scotland*, children are provided with SRE in school and parents are given support to discuss relationships and sexual health with their children.

Preventing uptake of smoking amongst children and young people – new measures

166. The Children and Families Act 2014 contains new tobacco control measures intended to protect children from the harm caused by second-hand smoke and to reduce the uptake of smoking amongst children and young people. These include making it an offence

[18] *Mental health (Wales) measure 2010 – Mapping of local mental health services.*

[19] Health-care Standards for Children and Young People in Secure Settings.

to smoke in a private vehicle when children are present, or to buy—or attempt to buy—cigarettes or electronic cigarettes on behalf of a person aged under 18. The Act also includes powers to make regulations to prohibit the sale of electronic cigarettes (and potentially other nicotine products) to children and young people under the age of 18. The Act also allows the Government to standardise tobacco packaging if it is considered that this will help in reducing the risk of harm to the health or welfare of children and young people.

167. These new measures build upon action already taken by the Government to reduce the availability and desirability of tobacco to children and young people by ending the sale of tobacco from vending machines from 1 October 2011 and ending the display of eye-catching tobacco products in supermarkets from 6 April 2012. The measures on display of tobacco products will extend to small shops (and any other business selling tobacco) from 6 April 2015.

Substance misuse (CRC/C/GBR/CO/4, para. 63 (c))

168. The number of young people in *England* in 2012–13 who needed help for drug and alcohol use fell for the third year running. Either cannabis or alcohol were the primary problem of 92 per cent of the 20,032 who received specialist support. In 2012/13 the average wait for a young person to start getting help was under two days. The proportion of young people who left specialist services having successfully completed their programme rose to 79 per cent in 2012–13 from 57 per cent five years ago. It should be noted that successful completions is taken as a proportion of the young people *who left treatment in the year* and not all young people in treatment.

169. The Government's Alcohol Strategy sets out measures to support its commitment to reducing underage drinking. These include: doubling the fine for persistently selling alcohol to children; educating young people on the risks associated with alcohol; and addressing factors that can influence young people's attitude to alcohol, such as parental drinking and exposure to alcohol advertising.

170. The Government's Drug Strategy confirms our commitment to provide accurate information to young people, and their parents/carers, about drugs and alcohol through education and the FRANK service.

171. There are 24-hour drugs and information helplines in *Scotland* "Know the Score" and in *Wales* "DAN 24/7". Young people in *Northern Ireland* have access to the National Drugs Helpline through the FRANK service. Drug taking among young people in *Scotland* is now the lowest it has been in a decade, with substance misuse education now being delivered in schools across Scotland through the national *Curriculum for Excellence*. Substance misuse education in *Wales* is delivered through the All Wales Schools Liaison Cre Programme. The Welsh Government invests £50 million annually to support *Working Together to Reduce Harm*, a ten year strategy for tackling the harm associated with the misuse of drugs, alcohol and other substances, supported by a three year *Substance misuse delivery plan*, published in February 2013.

Standard of living (CRC/C/GB/CO/4, para. 65)

Tackling child poverty

172. The UK Government is committed to implementing the Child Poverty Act 2010 and maintaining the goal of ending child poverty by 2020. A draft of the Child Poverty Strategy

2014–17 was published for consultation in February 2014. It sets out how the Government will improve the life chances of poor children by:

(a) Raising the incomes of poor children's families by helping them get into work and by making work pay;

(b) Supporting the living standards of low-income families; and

(c) Raising the educational outcomes of poor children.

173. The evidence is clear that work remains the best route out of poverty – children are around three times as likely to be in poverty if they live in a workless family. The Strategy outlines action to raise the incomes of poor children's families by helping them get into work and by making work pay. These include cutting tax for millions of people through increases to the personal tax allowance, reforming the welfare system through Universal Credit, which will lift up to 300,000 children out of poverty, and increasing the National Minimum Wage to £6.50 per hour from October.

174. The Government is also committed to supporting the living standards of poor families by reducing costs of living, for example, by reducing the typical energy bill next year by around £50 on average, by tackling rising housing costs and by increasing access to affordable credit through expanding credit unions and toughening up rules on pay-day lending.

175. The evidence also shows that poor children are four times as likely to become poor adults as other children. The Government is breaking the cycle of intergeneration poverty through increasing poor children's educational attainment. This is being achieved through the Pupil Premium, which will be worth £2.5 billion by 2014–15, providing free school meals for all infant school children from September 2014, meaning an additional 100,000 poor children will benefit, improving teacher quality, and extending 15 hours of free education a week to 260,000 two year olds from low income families.

176. Based on the latest statistics (2011/12) the number of children in relative income poverty has fallen by 300,000 since 2010/11 and is at its lowest level since the mid-1980s. Although the number of children in absolute poverty increased by 300,000 over the same period, combined low income and material deprivation has remained about the same. This shows that families with children have not reported a reduction in their capacity to buy goods and services.

177. Local Authorities are required by the Child Poverty Act 2010 to assess the needs of children in poverty in their area and to produce strategies to address those needs. We believe that local people are best placed to understand the needs of children in poverty in their areas and to be able to develop innovative ways of tackling these problems.

178. Each of the devolved administrations published Child Poverty Strategies in 2011. The *Northern Ireland Executive* published Child Poverty reports in 2012 and 2013. A Child Poverty Outcomes Framework was published in October 2013 and they intend to publish a new Child Poverty Strategy in Spring 2014. The *Scottish Government* published annual Child Poverty reports in 2012 and 2013 and a new Strategy on 10 March 2014. The *Welsh Government* published a Child Poverty Progress Report in 2013.

Sites for Traveller families (CRC/C/GBR/CO/4, para. 65 (d))

179. In *England*, the UK Government's Planning Policy for Traveller Sites[20] expects local councils to identify a five-year supply of suitable sites for travellers to meet objectively assessed local needs and £60 million in Traveller Pitch Funding has been allocated, as part of the Affordable Housing Programme[21] to help build new traveller pitches and refurbish existing ones. The number of traveller caravans on authorised sites[22] in *England* has continued to increase from 15,750 (80 per cent) in January 2010 to 16,000 (85.5 per cent) in January 2013 and on unauthorised sites has decreased from 3,600 (20 per cent) in January 2010 to 2,700 (14.5 per cent) in January 2013.

180. In *Wales*, the number of authorised Gypsy and Traveller sites has increased since 2008; an increasing number of projects (41 in total) have refurbished sites and the total number of reported authorised sites as at July 2013 was 91. The Welsh Government has committed £3.25 million to support the development or refurbishment of Gypsy and Traveller sites, including construction of a new local authority site, in 2013/14.

Chapter VI
Education, Leisure and Cultural Activities (arts. 28, 29 and 31)

Introduction

181. The UK's vision is for a highly-educated society in which all children have the opportunity to do well, regardless of their background or family circumstances.

182. In *England*, the Statutory Framework for the Early Years Foundation Stage (EYFS) 2012 sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. It promotes teaching and learning to ensure children are ready for school and have the knowledge and skills that will allow them to progress through school and life. Measures to improve quality in the early years include: reforming early years qualifications, introducing new Early Years Educators and Early Years Teachers; and strengthening inspection.

183. Schools have the option to become academies, which encourages local innovation and gives teachers greater freedom. We are also setting up free schools to allow parents and communities to develop new schools in response to parental demand, to improve choice and drive up standards. At September 2013, 174 free schools had opened and another 116 had been approved to open in 2014 and beyond. Other key measures to improve the quality of schools and education include:

(a) School funding has been reformed through the introduction of a pupil premium which focuses resources on the most disadvantaged children (see below);

(b) Teachers have been given stronger powers to ensure good order in the classroom and address poor behaviour at an early stage;

[20] Planning Policy for Traveller Sites – www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf.

[21] Traveller Pitch Funding – http://www.homesandcommunities.co.uk/ourwork/traveller-pitch-funding.

[22] Gypsy and Traveller Caravan Statistics – https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/199241/GTCC_Table_4_-_final.xls.

(c) A new, slimmer national curriculum is being introduced from September 2014 focussed on essential subject knowledge, especially in the core subjects of English, mathematics and science; and

(d) The (£2.4 billion) Priority School Building Programme has been introduced to rebuild 261 of the schools in England in the worst condition, with a second phase, worth around £2 billion, being funded from 2015 to 2021.

184. In *Northern Ireland* the revised curriculum introduced in 2009/10, has literacy and numeracy at its core and is less prescriptive in content, giving schools and teachers the flexibility to tailor their teaching to best meet the needs of their pupils.

185. In *Scotland* the new *Curriculum for Excellence* (CfE) is designed to provide a coherent, flexible and enriched curriculum for individuals aged 3 to 18 that will ensure that all children and young people in Scotland develop the attributes, knowledge and skills they will need to flourish in life, learning and work.

186. In *Wales*, the national curriculum subjects for 3–19 year olds were revised and restructured in 2008 to ensure they are relevant to the twenty-first century. Other key developments include the School Standards and Organisation (Wales) Act 2013,[23] a new programme of long term investment in the school infrastructure, and a new Education (Wales) Bill passed in March 2014,[24] to bring about greater coherence and recognise the contribution of the education workforce.

Children's participation in school matters

187. In *England*, over 99 per cent of schools have measures in place that enable pupils to have a say in the running of the school; and 95 per cent have a school council. Ofsted seeks the views of pupils as part of school inspection. In *Scotland*, the Pupil Inclusion Network Scotland (PINS) supports organisations working with vulnerable or excluded children and young people. Membership includes teachers, local authority staff, health professionals and Police. In *Wales*, since 2009 it has been a statutory requirement for all maintained schools in Wales to have a school council. Updated guidance *Listening to and involving young people* (April 2012) includes the text of article 12 of the Convention on the Rights of the Child, which has particular relevance to activities in schools to promote the pupil voice.

Reducing the effects of the social background of children on their achievement in school (CRC/C/GBR/CO/4, para. 67 (a))

188. The UK is determined to address inequality in its school system and narrow the attainment gap between disadvantaged pupils and their peers. Examples of action in *England* include:

(a) Free school meals are provided for the most disadvantaged children (up to age 18). From September 2014, *all* children in reception classes, year 1 and year 2 in state schools will be entitled to a free school meal. We have amended legislation to make this a statutory requirement;

(b) Targeting resource (some £2.5 billion a year by 2014/15) through the Pupil Premium to help break the link between family background and educational achievement. The Pupil Premium was introduced in April 2011 and is allocated to schools to provide

[23] http://wales.gov.uk/legislation/programme/assemblybills/schoolstandards/?lang=en.
[24] *Education (Wales) Bill 2013.*

support for disadvantaged pupils, i.e. those eligible for free school meals and those who have been in care for at least six months;

(c) In 2012 and 2013, £50 million of the Pupil Premium enabled secondary schools to run summer schools for disadvantaged pupils moving into Year 7; and

(d) There is additional funding for the Year 7 literacy and numeracy catch-up premium. Schools receive up to £500 for each pupil who did not achieve the expected level in reading and/or mathematics in primary school.

Segregation of education in Northern Ireland (CRC/C/GBR/CO/4, para. 67 (i))

189. In line with the statutory duty to encourage and facilitate integrated education, the number of integrated schools has increased from 47 in 2002/03 to 62 in 2012/13, while the number of pupils attending integrated schools has also grown by 37 per cent from 15,700 to 21,500 in the same period.

190. The Together Building a United Community Strategy seeks to create more opportunities for socially-mixed, shared education, with a view to achieving a full shared education system in Northern Ireland as a crucial part of breaking the cycle of inter-generational educational underachievement, unemployment and sectarianism; and to improve good relations amongst and for young people. Targeted support (including an additional £30m over the next two years) is being provided to support all pupils entitled to free school meals.

Extra support for children in care (CRC/C/GBR/CO/4, para. 67 (e))

191. Children in care have significantly poorer education outcomes than their peers. In *England*, in 2013, only 15 per cent achieved 5+ A*–C grades at GCSE including English and Maths compared to 58 per cent of non-looked after children. While this gap is smaller than the previous year, it is not closing fast enough. We are making better progress on exclusions: in 2008/09 looked after children were four times more likely to receive a permanent exclusion, whereas in 2011/12 they were twice as likely to receive a permanent exclusion. But we accept that there is still further to go.

192. Measures to support the achievement of children in care include:

(a) A new provision in the Children and Families Act 2014 which requires all local authorities to appoint a "Virtual School Head" to discharge the authority's duty to promote the educational achievement of the children it looks after;

(b) More than doubling the pupil premium for children looked after by local authorities in England ("Pupil Premium Plus") from £900 in 2013–14 to £1,900 in 2014–15; and

(c) Issuing a Charter for Care Leavers which explains what young people should expect from local authorities as they make the transition to adulthood.

193. In *Scotland*, the Scottish Government's Children and Young People Bill requires every corporate parent to be alert to matters which adversely affect the well-being of looked after children and formerly looked after young people under the age of 26.

Inclusive education (CRC/C/GBR/CO/4, para: 67 (b))

194. The UK is committed to ensuring that children from disadvantaged, marginalised and school-distant groups have access to an inclusive education.

195. In *England*, the Government is piloting a Virtual Head Teacher for Gypsy, Roma and Traveller pupils. Funding has enabled local authorities involved in the pilot to appoint a senior dedicated individual to champion the interests of Gypsy, Roma and Traveller pupils and monitor and respond to issues of low attainment and attendance. In *Northern Ireland*, the Inclusion and Diversity Service (IDS) has been set up to strengthen and improve support to newcomer children and young people and their parents, primarily working through schools. In *Wales* (2008) the Welsh Government provided schools with a comprehensive guide in relation to all aspects of Gypsy, Traveller and Roma education. Grant funding amounting to £1m was approved in 2012–13 to support Gypsy Traveller children to improve their attainment.

United Nations Convention on the Rights of Persons with Disabilities (CRC/C/GBR/CO/4, para. 53 (f) and (d))

196. The UK ratified the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2009 and is committed to the inclusion of disabled children in the general education system. A range of measures have been introduced to help teachers in mainstream schools to better meet the needs of pupils with special educational needs or disabilities. However, we also believe that special school provision may be more appropriate for children with specific needs which can better met outside their local community; and that parents of disabled children should have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.

Tackling bullying and violence in schools (CRC/C/GBR/CO/4, para. 67 (f))

197. In *England*, all schools must by law have a behaviour policy with measures to prevent all forms of bullying among pupils including cyberbullying. In addition we have strengthened teachers' powers to tackle disruptive behaviour and allow them to search pupils for banned items, delete inappropriate images or files on electronic devices and issue same-day detentions. The Government has produced advice for schools on preventing and tackling bullying which sets out schools' legal obligations and signposts to expert organisations that can provide specific advice on a range of issues including cyberbullying. £4 million is being provided in 2013–15 to four anti-bullying organisations: for *Beatbullying* to train 3,500 11–17 year-olds to act as mentors; for the *Diana Award* to train 10,000 pupils to act as anti-bullying ambassadors; for Kidscape to train primary school professionals in 9 London boroughs; and for *The National Children's Bureau consortium* who will focus on bullied children with Special Educational Needs and/or disabilities.

198. Ofsted inspectors hold schools to account on how well they deal with behaviour and bullying. Inspectors take account of the types, rates and patterns of bullying, the effectiveness of the school's actions to prevent and tackle bullying and the use of derogatory language, and the views and experiences of pupils.

199. In *Northern Ireland*, guidance has been issued to all schools to help them to develop an anti-bullying culture. All schools must have in place a Discipline Policy which includes details of anti-bullying measures. In *Scotland*, The Government's "*A National Approach to Anti-Bullying for Scotland's Children and Young People*" published in 2010, aims to ensure

that all relevant agencies are taking a coherent and holistic approach to anti-bullying. *Respectme*, the Scottish Government's delivery arm for anti-bullying work, was launched in 2007 and helps to build adults' confidence and skills for recognising and dealing with all kinds of bullying. In *Wales*, head teachers and education establishments must by law have a policy in place on how they and their schools address the problem of bullying. Guidance to schools focuses on bullying related to: race, religion and culture, SEN and disability, homophobia and cyber bullying.

School exclusions (CRC/C/GBR/CO/4, para. 67 (d))

200. The Committee was rightly concerned in 2008 that the number of permanent and temporary school exclusions remained high. We have made some progress: In *England*, between 2007/08 and 2011/12, the number of permanent exclusions in England fell by over a third, from 8,130 to 5,170 (data annex table G26). In *Northern Ireland*, the number of exclusions has fallen by almost 58 per cent since 2006/07. In *Scotland*, exclusion from Scottish schools has decreased by 40 per cent since 2006/07. A variety of measures are under way to continue this improvement.

201. In *England*, new statutory guidance emphasises the need for all exclusions to be legal, reasonable and fair, the importance of schools adhering to their responsibilities under equalities legislation, and the value of early intervention to address behavioural issues before they escalate. It makes clear that permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy and/or where allowing a pupil to remain in school would seriously harm their own or other pupils' education or welfare. School inspections focus on schools' use of exclusion and differential rates of exclusion for groups of pupils.

202. In *Scotland*, the Government's guidance on exclusions notes that the duty to provide education does not stop when a pupil is excluded (either temporarily or permanently) and that it is reasonable to expect alternative provision to be in place within 3 days of the decision to exclude. In *Wales*, teachers, head teachers, governing bodies, LAs and independent appeals panels must take account of guidance on *Exclusion from Schools and Pupil Referral Units* published in 2012, including where an exclusion has been unavoidable, how the education of the excluded pupil must be maintained.

Right to appeal against exclusions and right to appeal to SEN tribunals

203. The UK has responded to the Committee's 2008 recommendation that children, particularly those in alternative care, should have a right to appeal against their exclusion.

204. In *England*, revised statutory guidance makes clear that excluded pupils should be supported to participate at all stages of the exclusion process. Since September 2012, parents have been able to make a claim of disability discrimination to the First-tier Tribunal in relation to a permanent exclusion. The Children and Families Act 2014 gives young people aged 16 and over the right to make SEN appeals and disability discrimination claims. It also provides for the establishment of pilot schemes to test giving children *under 16* the right to appeal in respect of special education needs provision, disability discrimination, and alternative care.

205. In *Wales*, the Education (Wales) Measure 2009 makes provision for children in Wales to have a right to appeal in respect of SEN or to make a claim in respect of disability discrimination in schools. In *Scotland*, guidance includes details of appeals against exclusion, including where pupils are looked after by the local authority.

Alternative provision (CRC/C/GBR/CO/4: para. 67 (c))

206. In *England* the Government is introducing radical reforms to improve the quality of alternative provision (AP) for pupils unable to attend a regular school, based on the recommendations from the 2012 Taylor review.[25] The reforms include:

(a) Supporting high quality providers to enter the AP market by allowing pupil referral units (PRUs) to become AP academies and for AP Free Schools to be established;

(b) Attracting high quality new teachers to PRUs by allowing a period in a PRU to count towards their teacher training;

(c) Allowing mainstream schools to use AP for early intervention; and

(d) Trialling a new approach to exclusion in a number of local areas whereby schools retain greater responsibility for arranging alternative provision.

Increasing participation in learning post-16

207. Across the UK, the number of young people not in education, employment or training (NEET) is going down. In 2011, 6.6 per cent of 16–17 year olds were recorded NEET, and by 2013 this proportion had dropped to 4.5 per cent.[26] While this represents progress this group includes some of the most vulnerable young people and is an ongoing concern.

208. In *England*, the age for participation in some form of education or training was raised to 17 in 2013, and will rise to 18 in 2015. Under the UK Government's "September Guarantee", 16 and 17 year-olds are entitled to an offer of a suitable place in education or training. Local authorities have clear statutory duties in relation to this commitment, including through securing sufficient suitable education and training provision. In *Northern Ireland*, the strategy for young people not in education, employment or training, *Pathways to Success*, supports a cross-departmental, cross-agency approach to achieving better outcomes for those young people who face barriers to participation. In *Scotland*, *Action for Jobs*, the Scottish Government's youth employment strategy takes a focused, all-Scotland, all-agency approach, working with the public, private and third sectors, social partners and business organisations. In *Wales* a *Quality and Effectiveness Framework* (QEF)—launched in 2009—supports continual improvement in the quality of post 16 learning.

Right to leisure and play (CRC/C/GBR/CO/4: para. 69)

209. There is a firm principle across the UK that all children should be able to enjoy and participate in culture, sports and leisure. A broad range of provision is available to support this.

Culture

210. In *England*, the Education and Inspections Act 2006 placed a duty on local authorities to secure adequate leisure and recreation facilities and activities for children. The UK Government is making £292 million available between 2012 and 2015 to support pupils' engagement in cultural and music educational activities both inside and outside

[25] Improving Alternative Provision – Charlie Taylor The Government's Expert Adviser on Behaviour http://media.education.gov.uk/assets/files/pdf/8/improving%20alternative%20provision.pdf.

[26] http://www.ons.gov.uk/ons/rel/lms/young-people-not-in-education--employment-or-training--neets-/february-2014/statistical-bulletin.html.

school. Government-sponsored museums and galleries all run world-class activities and events for children and schools, with high levels of engagement. We have retained the free-entry policy which encourages children and other visitors from diverse backgrounds, regardless of wealth, to visit and learn.

211. In September 2013, the Arts Council in *Northern Ireland* launched a Youth Arts Strategy which provides strategic direction for arts organisations and artists to engage with young people. Similarly, the Arts Council in *Wales* provides opportunities for children and young people to engage and participate in the arts.

Sport

212. The London 2012 Olympics bid recognised the potential for the Olympic and Paralympic Games to inspire more young people into sport. The UK Government is helping to achieve this legacy through: spending £450m on primary school sport and £100 million of lottery money and public funding on the School Games[27] over the next 3 years, £1 billion on the Youth and Community Sport Strategy,[28] helping young people to take up sport as a habit for life, £155 million through Sport England's *Places People Play* programme to upgrade 1,000 local sports venues, and ensuring that physical education remains a compulsory part of the school curriculum.

213. In *Northern Ireland*, the 10 year strategy for sport and physical recreation[29] includes a range of targets and actions specifically aimed at improving children's participation in PE and extra-curricular sport as well as enhancing the level and quality of sports coaching and facility provision for children up to 2019.

214. In *Scotland*, a draft Youth Sport Strategy was published for consultation (including with children) in December 2013. The strategy is supported by funding of £5.8 million over the next two years to continue to help schools deliver high quality PE and extend competitive sport in and between schools.

215. In *Wales* the Sports Council for Wales, with £24.7 million of Government funding, has established the 5x60 scheme for schools to provide opportunities for extra curriculum sporting activities for secondary school age children and young people. Nearly all secondary schools have signed up to the scheme.

Play

216. In *England*, between 2008 and 2011, the UK Government's play strategy provided funding of over £200 million to develop new or refurbish existing play sites (i.e. parks and playgrounds, in local areas), focusing on the most deprived areas. By 2010, over 2,000 play sites and 20 adventure playgrounds had been built. Wider activities to promote and support play were also supported.

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[27] The School Games, set up in 2011, offers every school and pupil the chance to compete in a wide range of sports regardless of ability or disability. Around half of all schools in England have signed up to the School Games, providing young people aged 5–16 with the chance to regularly compete against their peers in a range of diverse and inclusive sports.

[28] The Youth (and Community) Sport Strategy aims to increase the number of young people (aged 14+) developing sport as a habit for life. Funding will pay for: developing satellite clubs on school sites; investing in facilities – including opening up school facilities to the public; increasing the number of young sport-making volunteers; and attracting less engaged/disadvantaged young people through targeted programs (Get on Track).

[29] "Sport Matters: The Northern Ireland Strategy for Sport and Physical Recreation, 2009–2019."

217. In *Northern Ireland*, in 2011 the Executive published an implementation plan for its Play and Leisure policy. Up to £1.6 million is being provided to champion play, build sustainable support at community level and to make planning and support for play central to the work of local councils.

218. In *Scotland*, in 2013 the Scottish Government published its first national *Play Strategy* setting out their vision for play in Scotland and the action they will take to achieve this. The Strategy was developed together with the play sector and other organisations and in discussions with children to ensure it was fully inclusive. *Wales* has legislated for play in the Children and Families (Wales) Measure 2010, which will require all local authorities to undertake play sufficiency assessments and develop play plans for their local areas.

Transport

219. Good access to safe transport is key to regular school attendance and to allow children and young people to take full advantage of the sports, culture and play facilities on offer. The UK has a wide network of transport options and routes, many of which are free or are available at substantially reduced prices for children.

220. In 2012 the UK Youth Select Committee conducted an enquiry into transport issues which led to an increase in the involvement of young people in the development of policies that affect them. The UK Government's Accessibility and Equality Action Plans published in December 2012 and its Door to Door Strategy published in March 2013 aim to ensure a transport system that works for everyone. Specific policy developments have included encouraging industry-led initiatives like the BusforUs travel information website http://busforus.co.uk/, which aims to make bus travel easier and more attractive for young people; and road safety education.

Chapter VII
Special protection measures (arts. 22, 30, 32–36, 38, 39, 40, 37 (b–d))

Asylum-seeking and migrant children (CRC/C/GBR/CO/4, para. 71)

Detention of asylum-seeking, migrant and refugee children

221. In December 2010, the UK Government took steps to end the detention of children for immigration purposes. A new staged approach to managing family returns was rolled out in March 2011 which places greater emphasis on engagement with families and, where they do not have the right to remain in the UK, encourages them to leave without the need for enforcement action.

222. Only if a family fails to take up the practical assistance and opportunities to leave in this way will the Home Office draw up a return plan for the family. This plan is referred to an Independent Family Returns Panel of safeguarding and medical experts for advice on how the welfare of the children can best be safeguarded during the return. Options at this stage include a new type of specially designed secure pre-departure accommodation, known as Cedars located near Gatwick Airport. The children's charity, Barnardo's, provides on-site care and welfare services for children to help them to prepare both practically and emotionally for their return. The maximum period of stay is usually 72 hours, which can be extended to a week if it is authorised personally by a Minister.

223. A separate process has been developed for families who arrive at the UK border, where it continues to be necessary, on occasion, to hold children and families while

enquiries are made to decide whether they can be admitted to the country, or until the next available return flight if they are refused entry. The majority of children and families who are stopped at the border are held for only short periods at the port itself. If it is necessary to hold a family for longer, they may be moved to the family unit at Tinsley House Immigration Removal Centre. There are a small number of other exceptional scenarios in which children may be held in removal centres, for example where it is in the public interest because of a risk of reoffending or a risk to national security.

Appointment of guardians to unaccompanied asylum seekers and migrant children

224. In *England*, local authorities have a statutory duty[30] to safeguard and promote the welfare of all children regardless of their immigration status or nationality. Unaccompanied asylum seekers and migrant children have the same status and benefits as children in care and have access to an independent advocate who can represent their wishes and feelings.

225. In *Scotland* targeted and intensive support is provided for asylum seeking children through the Scottish Guardianship Service (SGS). The SGS works with children and young people who arrive in Scotland separated from their families and who may have been trafficked from outside the European Union.

Age disputed cases

226. If no documentation is available and there is doubt about whether an individual is a child as claimed, they will be referred to a local authority for an age assessment and treated as a child until the outcome of the assessment is known. The UK Government is working with a range of organisations to develop improved age assessment guidance for practitioners.

Safe return of children

227. The return of unaccompanied children to their countries of origin only takes place following a thorough case by case assessment, with the best interests of the child a primary consideration; and only where the child can either be reunited with their parents or alternative reception and care arrangements are put in place. The UK rarely enforces the return of unaccompanied children to any country. Most unaccompanied asylum seeking children are therefore granted limited leave for 30 months or until they are 17½, whichever is the shorter period.

Sexual exploitation and abuse (CRC/C/GBR/CO/4, para. 74)

Child sexual exploitation (CSE)

228. In *England* in November 2011, the UK Government published the national *Tackling child sexual exploitation action plan*.[31] The plan set out action on: raising awareness of CSE, protecting young people who are at risk, prosecuting people who exploit children, and helping victims and families get their lives back on track. The Government was supported in this work by the Office of the Children's Commissioner which carried out a two year inquiry into child sexual exploitation in gangs and groups. In January 2013, the Director of Public Prosecutions (DPP) and the Association of Chief Police Officers (ACPO) announced a "sea change" in police and prosecutorial attitudes towards allegations of child sexual abuse (CSA). New CPS guidelines require prosecutors on CSE cases to analyse the

[30] Section 11 of the Children Act 2004.

[31] https://www.gov.uk/government/publications/tackling-child-sexual-exploitation-action-plan.

credibility of the overall allegation rather than just the victim, allowing common myths and stereotypes around this type of offending to be challenged in court.

229. The Government has reinforced its efforts to tackle sexual violence through a new National Group on Sexual Violence Against Children and Vulnerable People (SVACV) which comprises a panel of experts and policy makers brought together to co-ordinate and implement the learning from cases of historical child sexual abuse and current sexual violence prevention issues. The SVACV National Group published its first progress report and action plan in July 2013.

230. Similar action is being taken by the devolved governments. For example, in *Scotland* the Scottish Child Sexual Exploitation Ministerial Working Group is looking into what steps should be taken to improve understanding of the prevalence of child sexual exploitation in Scotland and how best to support child victims.

231. In *Northern Ireland*, the Safeguarding Board for Northern Ireland (SBNI) which supports and promotes effective inter-agency co-operation in safeguarding children has identified child sexual exploitation as a strategic priority and developed a multi-agency action plan to address this. An independent expert-led inquiry into child sexual exploitation in Northern Ireland was announced in September 2013.

232. A UK Government funded "Safeguarding Children in the Overseas Territories" (SCOT) project ran from 2009–2013 focused on capacity building, strengthening inter-agency collaboration and the creation of National Action Plans for child protection. During 2013, comprehensive child safeguarding risk reviews were conducted in St Helena, Ascension and Pitcairn. Technical support is being provided to implement priority recommendations arising from these reviews.

Violence against women and girls

233. The prevalence of domestic violence and violence against women and girls remains a major cause for concern.

234. In *England*, the UK Government's 2010 strategy, *A Call to End Violence against Women and Girls* led to an action plan published in March 2011. Key measures included: £40m from 2010/15 for specialist services for domestic and sexual violence victims, the introduction of criminal offences relating to forcing someone to marry against their will, new stalking offences, summer campaigns about forced marriage in 2012 and 2013 and a £1.4 million national campaign to prevent teenagers from becoming victims and perpetrators of sexual and relationship violence and abuse. The Government published its third Action Plan for England on International Women's Day 2014 which is supported with nearly £40 million funding for the period 2010–2015 for services to victims, including local domestic and sexual violence units, rape crisis centres and helplines. NHS England is also increasing its investment in paediatric sexual assault services.

235. The Government has embarked on a major campaign to prevent female genital mutilation (FGM). FGM has been illegal in the UK since 1985, and is considered to be a criminal offence, but we are aware that it continues, often when girls are sent abroad but sometimes in the UK. On 6 February 2014, to mark the International day for elimination of FGM, Ministers signed a new declaration stating their commitment to tackle FGM. Actions included: making it mandatory for NHS acute hospitals to provide information on patients who have undergone FGM, seeking views on how a civil prevention order might work alongside the criminal legislation to protect potential victims of FGM, and launching a £100,000 community engagement initiative. The *Keeping Children Safe in Education* guidance published in spring 2014 draws schools' attention to multi-agency guidelines on a range of children's safeguarding issues, including FGM. In 2013, we announced a new £35 million flagship programme to support the Africa-led movement to end FGM to enable the

United Nations (UNICEF and the United Nations Population Fund) to support targeted work with communities and leaders in 17 countries.

236. In *Wales*, a partnership between the Welsh Government, Black Association Women Step Out (BAWSO), Henna Foundation and led by the South Wales Police, has developed and evaluated training in relation to forced marriages, female genital mutilation and honour-based violence. The training was targeted at and attended by members from a cross-section of agencies including voluntary and statutory sectors.

Treatment of child victims

237. In *England*, in 2013 the Government announced that pilots would be held in three Crown Court locations for recorded pretrial cross-examination of vulnerable and intimidated witnesses, which allow child victims and witnesses to be cross-examined before the trial, and away from the court room. Sex offence trials involving vulnerable children are to be conducted by a team of specially vetted judges who will undergo "bespoke training" to help them protect weak and exposed child witnesses. Local authorities are under a duty to support child victims as agreed within "The Third Party Disclosure Protocol" which came into force January 2014 and as part of their wider safeguarding responsibilities.

238. In *Scotland*, the Victims and Witnesses (Scotland) Bill received Royal Assent on 17 January 2014. The reforms are part of the on-going Scottish Government *Making Justice Work* programme, which will improve the efficiency and effectiveness of the justice system. Under-18s will be entitled to use a screen, CCTV link or a supporter to assist them in giving evidence; and children under 14 who are not direct victims of a crime can have their statement read out by a carer. "Victim Support Scotland" provides free and confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime.

239. *Northern Ireland* has a new five-year Victim and Witness Strategy (2013–18) which will improve services for victims and witnesses of crime (including children). Legislation similar to England and Wales provides for a number of special measures to protect vulnerable and intimidated witnesses, including children.

Protecting children from commercialisation and online harm

Commercialisation and sexualisation of Children

240. A concern for many parents is that their children are under pressure to grow up too quickly. In *England*, an independent review set up by the Government reported in June 2011[32] and called on businesses and broadcasters to play their part across four themes:

(a) The sexualised imagery that has become a "wallpaper" to children's lives;

(b) Clothing, products and services for children;

(c) Children as consumers; and

(d) Making parents' voices heard.

241. The Government welcomed the broad approach recommended by the review and after 18 months published a stocktake on what had been achieved.[33] Much of the action was

[32] https://www.gov.uk/government/publications/letting-children-be-children-report-of-an-independent-review-of-the-commercialisation-and-sexualisation-of-childhood.

[33] https://www.gov.uk/government/publications/letting-children-be-children-progress-report.

voluntary and resulted from a strong commitment from businesses and media regulators. Key changes included:

(a) Fewer advertisements using highly sexualised images in public places;

(d) Family television programmes shown at times of the day when children are likely to be watching;

(c) Making it more likely to find children's clothes which are age-appropriate; and

(d) A new ParentPort website[34] to make it easier for parents to make complaints, to get information on media regulation, and to provide useful help and advice on children's use of the media.

The risks associated with children's increased use of social media

242. *Ofcom* reports an exponential growth in the use of social media amongst children giving them new opportunities to develop friends and interests but also exposing them to risks such as cyberbullying, grooming and harmful content. The UK has developed a robust child internet safety protection programme through the UK Council for Child Internet Safety (UKCCIS). The *Family Online Safety Institute* finds UK to be a leader in internet safety best practice and, *EU Kids Online* reports that the UK is one of five countries with high internet use amongst children yet relatively low levels of risk.

243. A key achievement is that the four major ISPs will have prompted all new broadband customers in the UK to switch on parental internet controls by the end of 2014 thereby restricting access to harmful content. From September 2014, the national curriculum computing programmes of study in *England* will encourage children from 5–16 to learn about safe and appropriate internet use. A £25 million campaign to raise awareness of risks associated with the internet will also begin in 2014, and *Safer Internet Day* is widely promoted every February.

Sale, trafficking and abduction (CRC/C/GB/CO/4, para. 76)

244. The UK ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 17 December 2008 and the Convention came into force on 1 April 2009. The UK Government published its Human Trafficking Strategy in July 2011. Measures in the Protection of Freedoms Act 2012 that came into force on 6 April 2013 permit the prosecution of UK nationals who commit trafficking offences abroad and of those who commit non-sexual trafficking offences that occur wholly within England and Wales. This enabled the UK to ratify the European Directive on preventing and combating trafficking in human beings in April 2013.

245. To strengthen the UK's response to human trafficking, and action to stamp out modern slavery, a draft Modern Slavery Bill was published in December 2013 for pre-legislative scrutiny. The draft Bill outlines the Government's intentions to:

(a) Consolidate the existing human trafficking offences;

(b) Increase the maximum sentence for human trafficking to life imprisonment;

(c) Introduce an Anti-Slavery Commissioner;

[34] http://www.parentport.org.uk/.

(d) Restrict movements or impose other prohibitions on convicted or suspected traffickers and slave drivers, to mitigate the risk they pose; and

(e) Create a new requirement on public bodies to report all suspected cases of human trafficking to the National Crime Agency (NCA).

246. Other actions to tackle the issue across the UK include:

(a) In *England*, the Refugee Council and the Children's Society have undertaken a review of the support and care of trafficked children. In January 2014, the UK Government announced proposals to trial a new system of advocates for child victims of trafficking. Following debates in Parliament on this issue, the UK Government has confirmed its intention to trial these advocates across 23 Local Authority areas and to include an enabling power in forthcoming legislation on Modern Slavery. The advocates will provide individual, dedicated support, not only to those children trafficked across borders, but to those trafficked within the UK. In addition, an e-learning resource has been developed to enable health-care professionals to identify victims and provide better care and support;

(b) *Northern Ireland* issued joint guidance on the *Working arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking* in February 2011;

(c) *Scotland*'s national child protection guidance includes detailed advice on child trafficking. The first Scottish Summit on Anti-Human Trafficking was held in October 2012;

(d) In *Wales*, the Government published *Safeguarding children who may have been trafficked* in 2008, imposing responsibility on Local Safeguarding Children Boards to take account of the needs of children who may have been trafficked. An Anti-Trafficking Co-ordinator has been appointed to coordinate the best possible support for victims and to make Wales a hostile place for human trafficking.

Administration of juvenile justice (CRC/C/GBR/CO/4, para. 78)

247. Overall, crime in *England* and *Wales* is down, proven offending by young people is down, fewer young people are entering the criminal justice system and fewer are ending up in custody. This is likely to reflect a combination of factors, including: more effective prevention work by Youth Offending Teams (YOTs), more proportionate responses to non-serious first-time offending, and more use of alternatives to custody. Similar reductions on these indicators are occurring in *Northern Ireland* and *Scotland*.

Age of criminal responsibility

248. The position of the UK Government in relation to the age of criminal responsibility in *England* and *Wales* has not changed since the last periodic review. The UK Government believes that children aged 10 are able to differentiate between bad behaviour and serious wrongdoing and it is right that they should be held to account for their actions. However, the UK Government also believes that custody for under-18s should be an option of last resort.

249. An independent review of the youth justice system in *Northern Ireland* recommended that the minimum age of criminal responsibility should be raised. There are no plans to do so at present as cross-party support would be needed for such a change.

250. In 2010, the *Scottish Government* increased the minimum age of prosecution to 12 and has committed to give fresh consideration to raising the age of criminal responsibility from 8 to 12 with a view to introducing any legislative change by 2016.

The use of Antisocial Behaviour Orders (ASBOs) with children (CRC/C/GBR/CO/4, para. 80)

251. In *England*, the Government believes that in the majority of cases involving children, agencies should use informal interventions in the form of Acceptable Behaviour Contracts or warning letters before applying for formal powers to tackle their anti-social behaviour. The Government has introduced legislation[35] to replace Antisocial Behaviour Orders with two new powers: a purely civil injunction and a Criminal Behaviour Order. The new powers will contain prohibitions to tackle the anti-social behaviour, but they could also include positive requirements to get a young person to work with relevant agencies to address the underlying causes.

252. In *Scotland*, the Government and local authorities have published a joint Framework for tackling antisocial behaviour, *Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland*. The Framework focuses on prevention and early and effective intervention. Antisocial Behaviour Orders for young people in Scotland remain a measure of last resort. *Northern Ireland*'s anti-social behaviour action plan has a focus on intervention and diversionary activity. In *Wales*, the Government has funded the Community Safety Volunteering Project to pilot a new and innovative approach, using adult volunteers with appropriate interpersonal skills to work directly with young people known to be involved with/or at risk of involvement in crime and anti-social behaviour.

Use of Taser weapons (CRC/C/GBR/CO/4: para. 31)

253. The UK Government has carefully considered the Committee's recommendation that it should end the use of Tasers and Attenuating Energy Projectiles (AEPs) on children. While we support the recommendation in principle, we believe it is impractical to implement it while Taser is in use for other age groups and officers' first priority must be to defend members of the public or themselves. A similar approach is taken in Northern Ireland, Scotland and Wales.

254. It should be noted that, on average, Tasers are only fired in about a fifth of the cases where they are deployed. Less lethal weapons are only authorised following a rigorous evaluation and assessment processes; and having taken account of relevant strategic, ethical, operational and societal issues. Senior police officers have the operational responsibility to decide what equipment they use, but they must consult Police and Crime Commissioners, and any new equipment must go through the authorisation processes described above. The use of firearms by the police is governed by guidelines produced by the Association of Chief Police Officers.

Making best use of alternative measures to detention (CRC/C/GBR/CO/4, para. 78 (b))

255. In *England*, the majority of offences committed by children between 10 and 14 are dealt with outside the courts. Having the age of criminal responsibility set at 10 allows frontline services to become involved at an early stage and enables robust measures to be put in place to prevent re-offending and enable children to develop a sense of personal responsibility for their actions. Provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 give the police greater discretion in using out-of-court

[35] The Anti-Social Behaviour, Crime and Policing Bill 2013.

disposals to deal with offences appropriately and proportionately, using their professional judgment.

256. In *Northern Ireland* very few children are sentenced to custody. The vast majority of children who commit offences are dealt with in the community, mostly through use of restorative practices. The extended use of police discretion correlates with a sharp decrease (46 per cent) in young people entering the formal justice system and corresponding reduction (29 per cent) in prosecutions since 2010.

257. In *Scotland*, custody is an option of last resort for young people under age 18. The Scottish Government's "Whole System Approach" promotes the use of diversion from prosecution. Between years 2010–11 and 2011–12, the number of young people diverted from prosecution increased by 59 per cent.

Juvenile justice system (CRC/C/GBR/CO/4, para. 78 (c))

258. In *England*, the vast majority of cases involving young offenders are tried and sentenced in the youth court. Provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 ensure that 17-year-olds are dealt with as children rather than adults in court in remand proceedings.

259. In 2011, the *Northern Ireland* Government conducted a review of the youth justice system, which involved a full public consultation, leading to a plan for developing a more proportionate response to offending by children, based on the best interests of the child, to divert them away from the formal criminal justice system and towards non-criminal justice interventions.

260. In *Scotland*, children under the age of 16 are not prosecuted in court unless under the explicit instruction of the Lord Advocate. The Children's Hearing System remains the primary forum for responding to the needs of children involved in offending behaviour. Separately, the Government has introduced the Criminal Justice (Scotland) Bill, which will make key changes to criminal law and practice relating to the treatment of children whilst the subject of police investigations.

261. In *Wales*, the Government is undertaking a consultation setting out proposals to improve services to better meet the needs of young people in, or at risk of being in, the youth justice system.

Children in custody to be kept separate from adults

262. There is a distinct custodial estate for under-18s in *England* and *Wales* with young people always held separately to adults. This is also the case in *Northern Ireland*, where the small number of children held in custody are accommodated in a purpose-built child-centred facility, staffed by social workers.

Education for all children deprived of their liberty (CRC/C/GBR/CO/4, para. 78 (e))

263. All young people in custody in *England* have access to education and training, which is subject to joint scrutiny by Ofsted and HM Prisons inspectors. Currently 69 per cent of young offenders released from custody re-offend within 12-months. Following consultation on *Transforming Youth Custody*, which set out the vision for Secure Colleges, the Government plans to introduce a pathfinder Secure College which will open in 2017. If it proves successful, this will provide a blueprint for a network of Secure Colleges across England and Wales to replace most existing youth custody provision. The Children and

Families Act 2014 provides for greater continuity of support for children and young people with SEN in custody, particularly in relation to Education, Health and Care plans.

264. In *Northern Ireland*, education and vocational learning classes are compulsory and form a core part of the ethos and regime of the Juvenile Justice Centre. In *Scotland*, under-16s within the secure estate receive support in a number of areas, including education. In *Wales* the Youth Justice Board has produced guidance for Youth Offending Teams (YOT) about the special educational needs of under-18s in custody.

Juvenile justice in the Overseas Territories

265. The protection and promotion of human rights in each territory is primarily the responsibility of the territory government and they have a duty to ensure local law complies with the relevant conventions and court judgements and is non-discriminatory. The Cayman Islands has enshrined a Bill of Rights—Rights of Children—in its Constitution, which provides children with a right to regular contact with their family whilst incarcerated; and states that children be detained as a last resort and only for the shortest period. The child is also entitled to legal counsel.

266. In Anguilla, a juvenile residential centre now provides an alternative to prison custody and the UK has assisted with training and advisory visits and some inward secondments of Anguillan staff. Other Overseas Territories are now establishing similar facilities, with ongoing UK support and advice.

Ratification of international human rights instruments (CRC/C/GBR/CO/4, para. 81)

267. We have ratified the CRPD and OP Sale of Children, child prostitution and child pornography, mentioned earlier in the report.

Appendices

Appendix 1
Optional Protocol on the involvement of children in armed conflict

Dissemination and training

1. Training on the Law of Armed Conflict is provided at the start and throughout the careers of service personnel. UK Military personnel also receive mandatory pre-deployment training, tailored to specific operational demands, as part of their preparation for operations. This training contains an Operational Law package that includes sections on the Law of Armed Conflict, the Rules of Engagement and the Use of Force.

Direct involvement in hostilities

2. No service personnel under the age of 18 are knowingly deployed on any operation, outside of the UK, which would result in them becoming engaged in, or exposed to, hostilities; and under-18s are not deployed on United Nations peacekeeping operations. However, the Optional Protocol on the involvement of children in armed conflict does not preclude under-18s taking a direct part in hostilities if: there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place and, by reason of the nature and urgency of the situation, it is not practicable to withdraw them before deployment or to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel.

Recruitment

3. Overall recruitment to the Armed Forces has declined and as the Armed Forces seek to adjust and balance their manpower the number of under-18s recruited reduced from 5,820 in 2008/09 to 2,460 in 2012/13. The UK will continue to recruit from the widest talent pool to sustain the required staffing levels for its Armed Forces. However, it is very aware of the differing needs of every age group and goes to great lengths to ensure their specific needs are met. Parental consent must be obtained before an under-18 can undertake any assessment/selection activity and then again before he/she enlists. In 2011, the Terms of Service Regulations for the Armed Forces were amended to give all Service personnel under the age of 18 the right to leave the Armed Forces before their 18th birthday following an appropriate period of consultation or cooling off.

Peace education (CRC/C/OPAC/GBR/1)

4. The UK Government has issued a revised citizenship programme of study for schools in England which emphasises democracy and the rights and responsibilities of citizens. The UK Government does not prescribe what schools should teach, leaving it to them to raise issues with pupils according to their age, needs and interests.

Use of firearms

5. Current policy recognises the need for those new to the Service to be appropriately trained and supervised in the use of firearms. During Phase 1 recruit training, trainees are

not assessed as competent to operate a weapon system safely until they have passed the relevant handling tests.

Captured child soldiers

6. Since the last review in 2008 the MOD has published Joint Doctrine Publication 1–10 for Captured Persons (CPERS) (2nd Edition, October 2011). This doctrine sets out how armed forces personnel are expected to treat captured persons on operations. Children, defined as anyone under 15-years-old, are only detained if necessary to prevent imminent danger to UK Armed Forces. They must be housed in separate accommodation from adult detainees (unless they are detained as part of a family group) and must not be tactically questioned or interrogated.

7. The UK's Strategic Detention Policy states that captured persons will be permitted to correspond with the International Committee of the Red Cross , which is informed as a matter of course about all detainees, and has additional processes for contacting relatives.

Military justice

8. Under-18s are subject to the same disciplinary arrangements as over-18s in the Service Justice System, albeit that they have additional rights to have a parent or guardian, or appropriate adult, present when cautioned, and throughout the custody process.

Arms exports

9. Under UK export control law the export of arms to all destinations is prohibited, unless authorised by a licence issued by the Secretary of State for Business Innovation and Skills. The UK will not issue an export licence if there is a clear risk that the equipment might be used to commit serious violations of human rights, or of international humanitarian law.

International assistance and co-operation

10. The UK provided funding for the United Nations Office of the Special Representative of the Secretary General on Children and Armed Conflict in 2013. The UK will continue to provide funds to the office of the Special Representative in 2014 and 2015. The aim of the funding is to increase the Special Representative's capacity to monitor emerging situations of concern in line with Security Council Resolutions 1612, 1882, 1998 on children and armed conflict. The UK is also giving half a million pounds to a UNICEF programme that will help improve the capacity of African Union (AU) forces to protect children and women in areas affected by the Lord's Resistance Army. We are providing money over the next two years, some of which will be used to fund a child protection adviser in the African Union to collaborate with the office of the Special Representative.

Appendix 2
Innocenti score cards

Material well-being

1. In the 2007 report, the UK ranked **21st out of 24** countries on measurements of material well-being. The UK was second from bottom in relation to the proportion of children experiencing relative income poverty, with over 15 per cent of children living in households where income was less than 50 per cent of the median. The UK scored better, however, on measures of child deprivation, with fewer children reporting "low family affluence" or a lack of material possessions compared to their peers in other countries.

2. In the 2013 report, the UK had risen to **14th out of 29** countries. The UK had improved to mid-table in relation to the proportion of children living in poverty, with 11 per cent of children living in households with income less than 50 per cent of the median. The UK remained in the top half of nations on measures of child deprivation.

Health and safety

3. In the 2007 report, the UK was ranked **15th out of 25** countries in relation to this aspect of children's well-being. The UK was in the bottom third on measures of infant mortality; low birth weight; and the proportion of children who were immunised. However the UK had the second lowest rates of mortality among under-19s resulting from accidents or injuries.

4. In the 2013 report, the UK's overall ranking on health and safety measures was **16th out of 29** countries, similar to the UK's position in the 2007 report. Again the UK ranked in the bottom third on measures of infant mortality and low birth weight, although there had been an increase in the proportion of children who were immunised. However, the UK had fallen back from 2nd to 12th in relation to under-19 mortality rates.

Educational well-being

5. The UK ranked **20th out of 24** countries in the 2007 report on measures of educational well-being. The UK was in the top half on educational attainment at age 15, but the UK's overall position on educational well-being was less positive, due to the UK's low post-16 participation rate and the high proportion of 16–18 year olds who were not in education, employment or training (NEET).

6. The findings in the 2013 report were broadly similar. The UK ranked **24th out of 29** countries, a position that was again driven by the UK's low post-16 participation rate and high proportion of NEETs. The UK remained in the top half in relation to educational attainment at age 15. The 2013 report included a new measure of the proportion of children in early years' education, on which the UK ranked in the top third of countries.

Relationships

7. In the 2007 report, the UK was **21st out of 21** countries on measures of the quality of children's relationships. This low position was driven by issues related to family structure, with the UK having the second highest proportions of children living in both single-parent households and in stepfamilies. The UK was in the bottom third of countries on the number of children reporting that they ate their main meal with their parents, but mid-table on children reporting spending time talking to their parents. The UK scored lowest on the question of whether children believed their friends and peers were helpful and

supportive. There was no specific measurement of the quality of children's relationships in the 2013 report.

Behaviours and risks

8. In the 2007 report, the UK was **21st out of 21** countries on this aspect of children's well-being. The UK was towards the bottom of the table on measures of healthy eating and consequently in a similar position in relation to levels of obesity among children – although the UK was in the top third on participation in physical activity. The UK scored badly on a range of measures including higher proportions of children reporting smoking, drinking alcohol, using cannabis and engaging in early sexual activity than their peers in other countries. The UK also had comparatively high rates of teenage births. Children in the UK were more likely to have been involved in a fight or experienced bullying than children in most other countries.

9. This is the aspect of children's well-being where the UK has made the most progress, being ranked **15th out of 29** countries in the 2013 report. There have been improvements in the levels of childhood obesity and, while the UK is in the bottom half of countries on measures of eating behaviours, it is in the top half on rates of physical activity. The teenage birth rate remains high compared to other countries, but significantly fewer children reported smoking, drinking alcohol or using cannabis in 2013, compared to 2007. The UK had improved its position in relation to both children's involvement in fighting and experiences of bullying.

Subjective well-being/life satisfaction

10. In the 2007 report, the UK was **20th out of 20** countries on measures of subjective well-being. It was ranked bottom on children's self-assessment of their health; and towards the bottom on the number of children reporting that they liked school; and on their assessment of their subjective well-being. In the 2013 report, the UK was **14th out of 29** countries on measures of life satisfaction, being ranked just below the mid-point on a range of measures relating to their relationships with parents and peers.

Housing and environment

11. The 2013 report included measures of the quality of children's housing and environment, which had not been included in the 2007 report. On these measures, the UK was **10th out of 29** countries. The UK was ranked in the top third on the number of rooms per person living in the household and on air pollution rates; and was mid-table on homicide rates among children.

Appendix 3
Devolution and new legislation

Devolution

1. Northern Ireland, Scotland and Wales are governed by their own independent legislatures in respect of devolved matters. The level of devolution varies for each nation and is summarised in the table below.

Scotland	Wales	Northern Ireland
Education	Education	Education
Health	Health	Health
Agriculture	Agriculture	Agriculture
Environment	Environment	Environment
Business Support	Business Support	Business Support
Economic Development	Economic Development	Economic Development
	Welsh language	Energy
Policing	Policing	Policing
Justice	Justice	Justice
Welfare and Social Security Policy	Welfare and Social Security Policy	Welfare and Social Security Policy
Broadcasting	Broadcasting	Broadcasting
Defence	Defence	Defence
Foreign affairs	Foreign affairs	Foreign affairs
Fiscal and Macroeconomic Policy	Fiscal and Macroeconomic Policy	Fiscal and Macroeconomic Policy

Devolved matters Matters retained at Westminster

New legislation

2. Since the UK's last review in 2008, there have been several pieces of legislation where the main focus has been on services for children. These are:

(a) *The Apprenticeships, Skills, Children and Learning Act 2009* which, among other things, provided for a statutory framework for apprenticeships and created a right to an apprenticeship for suitably qualified 16–18 year olds;

(b) *The Child Poverty Act 2010*, which provided a statutory basis for the commitment made by the Government in 1999 to eradicate child poverty by 2020. Its stated purpose was to give new impetus to the Government's commitment, and to drive action across departments. It also aimed to define success in eradicating child poverty and create a framework to monitor progress at a national and local level;

(c) *The Children, Schools and Families Act 2010* which included, among other things, requirements for school inspections to take into account the needs of pupils with special educational needs (SEN) and disabilities; provisions for an additional right of appeal for parents of children with special educational needs statements; and a requirement

for local authorities to provide full-time education for children and young people who, for various reasons, are in alternative provision;

(d) *The Academies Act 2010*, which included provisions that would enable more schools in England to become academies;

(e) *The Children and Families (Wales) Measure 2010* makes statutory provision to tackle child poverty in Wales. It also makes statutory provision with regards to play and participation, childminding and daycare regulations and also Integrated Family Support Teams;

(f) *The Education Act 2011*, which provided for the introduction of targeted free early years care for children under compulsory school age; made changes to provisions on school discipline; made changes to the arrangements for setting up new schools; and amended the Academies Act 2010 to make provision for 16 to 19 academies and alternative provision academies;

(g) *The Rights of Children and Young Persons (Wales) Measure 2011*, which requires Welsh Ministers to have due regard to the articles of the Convention on the Rights of the Child and its Optional Protocols when developing new or amending existing policies and/or legislation and to produce a Children's Rights Scheme identifying the arrangements in place to ensure compliance with the duties of the Measure;

(h) *The Children's Hearing (Scotland) Act 2011*, which made significant improvements to the Children's Hearings System, Scotland's primary forum for supporting children who are in need of compulsory measures of support as a result their own behaviour or the behaviour of others. The Act strengthened the mechanisms for ensuring that a child's views are heard and taken into account as part of any Hearing and introduces a number of more general measures designed to place the child at the centre of the proceedings. The legislation also further enshrined the principle that a child's welfare must be the paramount consideration whenever decisions are being taken by a Hearing;

(i) *The Children and Families Act 2014*, which, when enacted, will introduce reforms to: adoption and children in care; aspects of the family justice system; services for children and young people with special educational needs; the Office of the Children's Commissioner for England, statutory rights to leave and pay for parents and adopters; and provides for both time off work for ante-natal care and the right to request flexible working and provision for providing better support in schools for children with medical conditions; and

(j) *The Children and Young People (Scotland) Act 2014*, which, among other things, supports the implementation of *Getting it right for every child* across Scotland and introduces new powers and duties which explicitly recognise the role of the Convention on the Rights of the Child in influencing the planning and delivery of services and policies across Scotland's public sector.

3. There have also been a number of other pieces of legislation that have been enacted or are in the process of being scrutinised by Parliament, which are not specific only to children, but which nevertheless have significant implications for children's rights. These include:

(a) *Border's Citizenship and Immigration Act 2009* which, among other things, provided for judicial review applications in immigration and nationality cases to be heard by the new Upper Tribunal instead of the High Court; and introduced a new duty on the UK Border Agency to safeguard the welfare of children;

(b) *Equality Act 2010* which harmonised and in some cases extended existing discrimination law covering the "protected characteristics" of age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Specific provisions included: extending protection from discrimination on the grounds of gender reassignment to school pupils; creating a unified public sector duty, intended to promote equality in public policy and decision-making; and proposing a new public sector duty related to socio-economic inequalities;

(c) *Welfare Reform Act 2010*, which set out the Coalition Government's proposals for reforming welfare, to improve work incentives, simplify the benefits system and tackle administrative complexity. As well as introducing Universal Credit, the Welfare Reform Act makes other significant changes to the benefits system, including: restricting Housing Benefit entitlement for social housing tenants whose accommodation is larger than they need; amending the statutory child maintenance scheme; introducing a cap on the total amount of benefit that can be claimed; and providing for the establishment of a Social Mobility and Child Poverty Commission;

(d) *Domestic violence, Crime and Victims (Amendment) Act 2012*, which created the offence of causing or allowing the death of a child or vulnerable adult;

(e) *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, which covers a wide range of issues, including: taking some types of cases out of scope for legal aid funding; introducing new powers to allow curfews to be imposed for more hours in the day and for up to 12 months; and making provision to ensure that, where a person aged under 18 has to be remanded into custody, in most cases they would be remanded into local authority accommodation;

(f) *The Social Care (Self-directed Support) (Scotland) Act 2013*, and the wider policy underpinned by the Act, will make a number of improvements to the realisation of children's rights. Self-directed support ensures that children and families who use social care services and health and social care professionals can access support through a wide variety of options. It allows them to take greater control via a direct payment or an individual service fund, as opposed to receiving services arranged on their behalf. This can lead to better personalised support and better outcomes for both the child and their family. The Act concentrates on the provision of choice to children and families during their social care assessment. It provides a variety of options for the provision of support and it requires the statutory body to "give effect" to the child or family's choice; and

(g) *Protection of Freedoms Act 2012*, which brought in a wide range of measures, including: a new framework for police retention of fingerprints and DNA data, and a requirement on schools to get parents' consent before processing children's biometric information; a code of practice for surveillance camera systems; a new regime for police stops and searches under the Terrorism Act 2000 and reductions to the maximum pre-charge detention period under that Act from 28 to 14 days.

Appendix 4
Patterns of expenditure on children in the United Kingdom

Introduction

1. Public spending on children in the UK is substantial and wide-ranging. However, identifying how much public spending directly benefits children is challenging. This is due to a combination of factors.

2. In practice, spending on children and young people is often done on their behalf, either by central government, local authorities or family members. Therefore, it is inherently difficult to identify a causal link between expenditure targeted at children and child outcomes. This problem is compounded when we consider "pure" public goods and services (i.e. national defence), where the whole of society benefits and individuals cannot opt in or out. Specific policies may be targeted at a variety groups in society, including children and young people, although they are not the sole intended recipient.

3. Furthermore, the UK Government has a policy of devolution of resources to the frontline, where they are spent in response to local need. Local Government and other locally based statutory delivery bodies are understandably resistant to the central imposition of burdensome reporting requirements, including those that could be used to disaggregate expenditure by recipient characteristics.

4. What follows is a breakdown of total UK public expenditure against five key areas that benefit children directly – these are consistent with the United Nations reporting guidelines. Of course there are many other areas of public expenditure that will affect the well-being of children. The areas of spending considered here include:

(i) Social Security (Benefits and Tax Credits);

(ii) Health services;

(iii) Education;

(iv) Early childhood development; and

(v) Child protection measures.

5. The main data sources used are the HMT Public Expenditure Statistical Analysis (PESA) tables.[36] The PESA tables combine actual and forecast expenditure data from across the devolved administrations, central government departments and local authorities. Public spending is grouped against ten categories (education, health, defence, etc.) which are then further divided into more detailed sub-functions (for instance, education is split into primary, secondary, administrative spend etc.). These classifications are based on the United Nations's *Classification Of the Functions Of Government (COFOG)* criteria.[37] The PESA estimates show organisations' best efforts to attribute public spending to those who benefit.

6. All figures are presented in 2012–13 prices. Comparison of expenditure in cash terms can be misleading, since general inflation erodes the purchasing power of a given amount of money over time. To allow for meaningful comparison, historic figures have

[36] Available from: https://www.gov.uk/government/publications/public-expenditure-statistical-analyses-2013.

[37] For further information, please see here: http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=4.

been adjusted to reflect the fact that an equivalent level of funding today will not buy as much as it would have done in the past. Consistent with standard practice, figures have been adjusted in-line with the HM Treasury *GDP deflator*[38] series. The GDP deflator is a wider measure of inflation than the Consumer Prices Index (CPI) or Retail Price Index (RPI) and is used in preference, since the price of all public goods and services will not necessarily move in step with the price of goods and services consumed by households, as captured in CPI and RPI. It should be noted, however, that the results of the analysis will be sensitive to the choice of inflation measure used.

Overview of public spending in the UK

7. The table below shows the total expenditure on public services since 2008–09 by function. Social protection is shown to make up the largest share of current government expenditure (around 37 per cent in 2012–13). This includes both cash transfers (benefits and tax credits) to households and spending by central and local government on a range of social services. Health and education form the second- and third-largest areas of spend at 18 per cent and 13 per cent of total current expenditure in 2012–13 respectively. Total public spending was equivalent to 42.9 per cent of GDP in 2012–13.

Total UK public expenditure by function – 2012–13 prices (£m)*

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13*
General Public Services**	57 260	55 341	69 393	69 228	67 038
Defence	40 421	40 297	40 911	39 345	36 363
Public Order & Safety	36 946	36 456	34 380	32 601	31 464
Economic Affairs	53 779	50 909	40 535	37 658	35 342
Environment Protection	10 133	11 110	11 381	10 647	11 061
Housing & Community	16 742	17 464	13 505	10 035	10 152
Health	119 390	124 930	124 979	123 389	124 354
Recreation, Culture & Religion	13 663	14 082	13 498	13 064	12 192
Education***	91 121	94 548	95 282	88 811	87 668
Social Protection	224 067	239 378	240 711	244 722	252 196
Total Expenditure**	**696 315**	**718 581**	**722 606**	**707 249**	**675 651**
(% of GDP)	44.0%	47.0%	46.2%	44.9%	42.9%

Source: * HM Treasury PESA table 5.2 (July 2013) converted into 2012–13 prices using GDP deflators.

** This mainly comprises payments on debt interest.

*** Adjusted to reflect revisions to data supplied by DfE not yet incorporated in the published PESA tables.

**** Also includes European Union transactions and other adjustments.

8. The table below shows the variation in total managed expenditure across the UK and the devolved administrations. It should be noted that not all expenditure can be assigned to a particular jurisdiction; for example, this excludes the majority of defence spending which

[38] December 2013 deflators available from: https://www.gov.uk/government/publications/gdp-deflators-at-market-prices-and-money-gdp-march-2013.

benefits the whole of the UK equally. Unallocated expenditure accounts for around 20 per cent of total managed expenditure.

Breakdown of identifiable expenditure in 2011–12 by constituent country – 2012–13 prices (£m)

	*Total Spend (£m)**	*Share of Spend*	*Spend per head***	*Expenditure (per cent of GVA)****
England	**458 872**	81.5%	8 641	40%
Scotland	**53 948**	9.6%	10 266	49%
Wales	**30 369**	5.4%	9 912	63%
Northern Ireland	**19 613**	3.5%	10 811	65%
UK Total	**562 803**	**100.0%**	**8 900**	**42%**

Source: * HM Treasury PESA table 9.1 (July 2013) converted into 2012–13 prices using GDP deflators.

** HM Treasury PESA tables 10.5 to 10.8 (July 2013) converted into 2012–13 prices using GDP deflators.

*** Gross Value Added (GVA) figures from the ONS.

9. Total identifiable expenditure on all services ranges from around £8,600 per head in England, to around £10,800 per head in Northern Ireland. Compared with the UK average, spending per head is 21 per cent higher in Northern Ireland, 15 per cent higher in Scotland, 11 per cent higher in Wales, and 3 per cent lower in England. Expressed as a proportion of Gross Value Added (GVA), total expenditure in Northern Ireland is 53 per cent higher than the national average. In Wales it is 49 per cent higher than the national average, Scotland 16 per cent and in England 5 per cent lower.

10. Differences in expenditure between England and the devolved administrations are mainly driven by higher levels of spending on demand-led programmes, such as social security benefits. This is known as Annually Managed Expenditure (AME) and is typically higher in the devolved administrations due to the larger proportion of welfare recipients. Other differences may also be explained by the formula used to set limits on non-demand-led spend (otherwise known as Departmental Expenditure Limits or DEL spending). Local administrations also have their own revenue raising powers (through taxes and fines, or charges) which can be used to fund local public service provision.

11. What follows below is a detailed analysis of the amount of funding targeted specifically at children. This is broken down by the core areas of spending identified above.

Social security (benefits and tax credits)

12. The UK Government provides financial support to families with children through a variety of routes, primarily designed to protect the incomes of the poorest households. Listed below are four of the main social security benefits that are targeted specifically at children. There are, of course, many other benefits that are paid to households that will raise the living standards of children (e.g. Working Tax Credit (WTC), unemployment benefits, Housing Benefit, etc.). However, because children are not the sole intended beneficiary of these payments, these payments have not been considered here. The child contingent supports for which data has been included are:

Child Benefit is a payment that can be claimed for each child in a household, usually paid every four weeks. There are two separate amounts, with a higher amount for

the eldest child (currently £20.30 per week) and a single rate for every other child (currently £13.40 per week).

Disability Living Allowance (DLA) (for children) is designed to help with the extra costs of looking after a child with disabilities. The amount that can be claimed varies between £21 and £134.4 a week, depending on the level of help the child needs.

Child Tax Credit (CTC) is offered to carers with children under the age of 16 or children aged 16 to 19 who are in certain types of education or training. How much families are eligible for depends on their income and other circumstances.

Income Support (for children) is currently being phased out and replaced with Child Tax Credit. It provided extra money to parents with no income or a low income, working less than 16 hours a week, who have not signed on as unemployed.

13. Households also receive support for the cost of childcare through the childcare element of the Working Tax Credit. These figures are reported separately below, under Early Childhood Development.

Spending on child-related benefits and tax credits (£m) – 2012–13 prices

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13*
Child Benefit (GB)*	11 963	12 226	12 254	11 992	11 778
Disability Living Allowance*	1 214	1 274	1 271	1 338	1 391
Child Tax Credit (GB)**	17 785	20 302	22 202	23 320	23 461
Income Support*	1 598	937	659	459	292
Total	**20 597**	**22 513**	**24 132**	**25 117**	**25 144**
(% of GDP)	1.3%	1.5%	1.5%	1.6%	1.6%

Source: * Department for Work and Pensions' (DWP) Benefit Expenditure and Caseload Tables (Autumn Statement 2013)[39] converted into 2012–13 prices using GDP deflators.

** HMRC Annual Report and Accounts (various additions)[40] converted into 2012–13 prices using GDP deflators. Figures in 2008–09 and 2009–10 do not include adjustments for over- and under-payments, and therefore are not directly comparable with previous years.

14. The table above shows that the total amount spent on child contingent benefits has increased in real terms by 22 per cent between 2008–09 and 2012–13. This has largely been driven by an increase in CTC spending, as a consequence of the recession and the resulting fall in household incomes. The amount spent on the DLA has increased by around 15 per cent in real terms between 2008–09 and 2012–13. This may be explained by an increase in diagnoses and/or increases in the survival rate of children with severe disabilities. Whilst Income Support relating to children has fallen over the period, as noted, this is due to it being phased out and replaced with payments through the CTC.

[39] Available from: https://www.gov.uk/government/publications/benefit-expenditure-and-caseload-tables-2013.

[40] HMRC's 2012–13 accounts available here: https://www.gov.uk/government/publications/annual-report-and-accounts-2012-13-3.

Health services

15. Health-care provision in the UK is generally provided free at the point of use, although some people elect to pay for private treatment. According to ONS data, private health-care expenditure accounted for around 17.2 per cent of total health-care expenditure in the UK in 2011.[41] The data collected to form the PESA tables do not allow for a breakdown of expenditure by COFOG classification. Therefore, the table below simply shows total public health-care expenditure by country.

Breakdown of total UK public health-care expenditure – 2012–13 prices*

	2008–09	*2009–10*	*2010–11*	*2011–12*
Total Health Spend (£m)				
England	98 834	103 939	103 450	101 282
Scotland	11 175	11 319	11 286	11 183
Wales	6 106	6 323	6 317	6 123
Northern Ireland	3 622	3 678	3 943	3 903
Total	**119 737**	**125 258**	**124 995**	**122 491**
(% of GDP)	7.6%	8.2%	8.0%	7.8%
Spend per Head (£)**				
England	1 907	1 992	1 965	1 907
Scotland	2 162	2 180	2 161	2 128
Wales	2 018	2 080	2 071	1 999
Northern Ireland	2 035	2 051	2 184	2 151
UK Average	**1 938**	**2 013**	**1 993**	**1 937**

Source: * HM Treasury PESA tables 10.1 to 10.8 (July 2013) converted into 2012–13 prices using GDP deflators.

** Spend as an average across the total population within each country.

16. Overall, total UK public expenditure on health care has remained at around 8 per cent of GDP since 2008–09. Spending per head on health care is highest in Northern Ireland (around 11 per cent higher than the UK average).The difference in the levels of spending between the regions may be explained by a number of factors, including the differing health needs of the populations, take-up of private medical care, the varying costs of provision (e.g. prescription fees) and differing policy decisions between the administrations.

17. Across the UK, there is no systematic process for recording how much is spent on children's health care. Children's health is supported mainly through the National Health Service (NHS), which is delivered through many local commissioning and delivery organisations. Consequently, it is not possible to say for certain how much of the funding is spent on children. However, the Department of Health does collect data on the varying costs of treatments for different age groups. The table below shows a high-level analysis, supplied by the Department of Health, of how much of Primary Care Trust (PCT)

[41] Office of National Statistics (ONS), "Expenditure on healthcare in the UK: 2011 may 2011", 2013. Available from: http://www.ons.gov.uk/ons/dcp171766_308689.pdf.

expenditure is likely to have been spent on different age groups. It is stressed that these are estimates only. These figures demonstrate the general pattern of health expenditure, where costs peak for children at birth, decline significantly throughout childhood and then rise during later life.

Estimated PCT expenditure on HCHS, prescribing and primary care, by age group (2011–12)*

	Average Cost per Head					
Common Age Bands	*Secondary Health care***	*Prescribing Costs****	*Primary Medical Services*****	***Total***	*ONS 2011 Census Based Population (000s)*	***Total Spend by Age band***
0 to 4	£489	£24	£210	**£722**	3 329	**£2 404m**
5 to 14	£457	£28	£56	**£540**	6 058	**£3 274m**
15 to 44	£559	£66	£88	**£714**	21 511	**£15 348m**
45 to 64	£1 213	£193	£152	**£1 558**	13 480	**£21 007m**
65 to 74	£2 993	£401	£253	**£3 647**	4 592	**£16 748m**
75+	£5 377	£517	£388	**£6 281**	4 137	**£25 988m**
Total	**£1 295**	**£155**	**£146**	**£1 596**	**53 107**	**£84 769m**

* Figures based on 2011–12 PCT spend (£000s) on HCHS, mental health, prescribing and primary medical services (Source: DH Annual Report and Accounts, 2011–12).

** Based on Nuffield weights for 2011 by age group in England multiplied by size of population age groups in each year, and constrained to total HCHS spend each year.

*** Spend by age group is for hospital outpatient and inpatient care only, but assumed to apply to the whole of Health and Community Health Services (HCHS), i.e. to also to community based services delivered by hospitals, e.g. midwifery.

**** Age cost weights based on the Information centre Review of ASTRO-PUs 2008: Consultation document March 2009.

Education spending

18. The table below shows total education expenditure across the UK. Over the period as a whole, total education spending appears to have fallen. However, the PESA sub-categories show this has mainly been driven by falls in the costs of administrative functions, with spending on subsidiary services falling by 23 per cent and administration by 50 per cent.

Total public spending on education in the UK – 2012–13 prices (£m)*

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13*
Pre-primary and primary	31 625	32 093	31 923	31 485	31 065
of which: under fives	5 083	5 172	5 052	5 106	5 026
of which: primary	26 542	26 922	26 872	26 380	26 039
Secondary education	36 933	38 473	38 313	36 680	36 515
Post-secondary non-tertiary	279	390	305	224	206
Tertiary education	12 763	14 082	16 435	13 326	13 561
Education not definable by level	869	879	1 087	707	674
Subsidiary services to education	4 872	4 468	4 243	3 946	3 746

	2008–09	2009–10	2010–11	2011–12	2012–13
R&D education	14	16	1	9	10
Education n.e.c **	3 766	4 148	2 974	2 433	1 893
Total	**91 121**	**94 549**	**95 283**	**88 812**	**87 670**
(% of GDP)	5.8%	6.2%	6.1%	5.6%	5.6%

Source: * HM Treasury PESA table 5.2 (July 2013) converted into 2012–13 prices using HMT's GDP deflator.

** Administration, operation or support of activities such as formulation, administration, coordination and monitoring of overall educational policies.

19. The table below shows total UK spend on primary and secondary education. Primary includes spending on pupils aged 5 to 11 and, for secondary, pupils aged 12 to 18. These figures include spending on pupils taking vocational or academic qualifications and pupils in special schools.

Spending on primary and secondary education by constituent country – 2012–13 prices (£m)*

	2008–09	2009–10	2010–11	2011–12	2012–13
Total Spend (£m)					
England**	52 781	54 757	54 833	52 863	52 673
Scotland	5 769	5 636	5 518	5 410	5 169
Wales	3 067	3 135	3 007	3 125	3 076
Northern Ireland	1 858	1 863	1 824	1 657	1 635
Total	**63 475**	**65 390**	**65 182**	**63 054**	**62 553**
(% of GDP)	4.0%	4.3%	4.2%	4.0%	4.0%
Spend per Head***					
England	6 047	6 285	6 316	6 088	6 054
Scotland	6 969	6 870	6 799	6 638	6 396
Wales	6 007	6 204	6 032	6 329	6 262
Northern Ireland	5 494	5 556	5 490	5 018	4 961
Average	**6 100**	**6 303**	**6 314**	**6 108**	**6 056**

* Analysis of PESA data (July 2013) converted into 2012–13 prices using HMT's GDP deflator.

** Includes protected resource budget for 5–16 schooling.

*** Spending as a proportion of the total number of 5 to 18 year olds in each country. Population estimates from the ONS.

20. The data shows total spend on primary and secondary education has remained relatively constant, at around 4 per cent of GDP, over the past five years. It is difficult to draw particular inference from the variation in spending levels between countries. As elsewhere, differences will be explained by local variations in costs, the formula used to allocate money between the devolved governments and differing levels of protection applied to education spending. For example, the Department for Education in England is protecting the 5–16 schools resource budget through a real terms increase of 0.1 per cent per annum over the Spending Review period 2011–2015. Furthermore, England, through its

Pupil Premium, has increased the level of resource it targets at pupils from the most economically disadvantaged backgrounds. Total amounts allocated to schools through the Pupil Premium, in England, increased by 59 per cent in 2013–14 to £1.9 billion, with schools receiving an additional £900 per disadvantaged child.

21. It should be noted that spend-per-head figures may be misleading because they do not take into account the proportion of pupils in privately funded independent schools. These estimates will therefore underestimate the amount spent per pupil. Further care should be taken in interpreting these figures as it is not known how consistently the data has been reported across countries and, for example, the extent to which administrative spend has been disaggregated from school spending at primary and secondary level.

Early childhood development

Education spending

22. In England, Scotland and Wales compulsory schooling starts at the age of five; in Northern Ireland currently compulsory schooling starts at age four. However, all countries offer some form of part-time funded early-education provision, with take-up on a voluntary basis. In England, since September 2010, all three- and four-year-olds have been entitled to 15 hours a week of free early education. This represented an increase from 12.5 hours previously. In addition, since 2009, all 152 local authorities in England have been delivering a targeted offer of between 10 and 15 hours of free early education to some of the most disadvantaged two-year-olds. From September 2013 this has been extended to around 20 per cent of the least advantaged two-year-olds, covering an estimated 150,000 children.[42] In Scotland every three- and four-year-old is entitled to a minimum of 475 hours of pre-school education, usually delivered as 12.5 hours per week over the school year (38 weeks).[43] In Wales all three year olds can receive up to 10 hours per week of funded Early Years learning, to a maximum of three hours per day.[44] Similarly, the NI Executive has made a commitment to make one year of funded pre-school education available for every child whose parents want it. Provision is usually part-time, for a minimum of 2.5 hours a day, 5 days a week for at least 38 weeks.

23. The table below shows total public expenditure on education for the under-fives. This includes spending on Early Years education and some spending on the first year of compulsory schooling. The table below shows spending on under-fives across the UK has remained consistently at around 0.3 per cent of GDP.

Breakdown of under fives education total expenditure by country – 2012–13 prices (£m)*

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13***
England	4 589	4 696	4 595	4 603	4 575
Scotland	339	328	320	308	302
Wales	100	87	73	80	85

[42] Two-year-olds will be eligible if they are looked after by the local authority or they come within the criteria used to determine eligibility for Free Schools Meals.

[43] Available from http://www.scotland.gov.uk/Publications/2013/03/4564/5.

[44] Available from http://wales.gov.uk/docs/dcells/publications/130716-building-brighter-future-en.pdf.

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13***
Northern Ireland	55	61	64	114	63
Total	**5 083**	**5 172**	**5 051**	**5 105**	**5 026**
(% of GDP)	0.32%	0.34%	0.32%	0.32%	0.32%

Source: * Analysis of PESA data (July 2013) converted into 2012–13 prices using HMT's GDP deflator.

** Figures for 2012–13 are projections only. This will be updated when actual figures become available.

Tax incentives and benefits

24. Through the childcare element of the Working Tax Credit, parents can claim up to 70 per cent of a maximum of £175 of childcare expenses per week for one child and £300 per week for two or more children. This can be claimed on childcare for children up to the age of 15 (16 if they are disabled), so does not solely relate to early years.[45] Figures for the total amount paid under the childcare element of Working Tax Credit are shown below for the whole of the UK.

Childcare element of Working Families Tax Credit – 2012–13 prices (£m)*

	2008–09	*2009–10*	*2010–11*	*2011–12*
Value of Tax Credit (£m)**	1 721	1 729	1 612	1 238
Families benefiting (000's)	449	460	455	416

Source: * HMRC Personal Tax Credits: Finalised Award Statistics – Main Tables, Table 3.2.[46]

** These figures represent entitlement only and do not reflect adjustments for under- and over-payments.

25. In addition, in exchange for a reduction in tax liability through Income Tax and National Insurance Contributions (NIC) exemptions employers may also offer their employees childcare vouchers.[47] Some employers also set up their own nurseries and offer places to the children of their employees. The cost to the Exchequer of these tax exemptions are estimated by HMRC to be around £830m and £800m in 2011–12 and 2012–13 respectively (2012–13 prices).[48] Comparable figures do not exist for preceding years.

Other early years spend

26. Sure Start is a further policy targeted at early childhood development (children up to the age of five) and is particularly aimed at dealing with child poverty. Sure Start services are mainly delivered through community-based centres, designed to improve outcomes for both children and parents through the provision of integrated education, care, family support and health services.

[45] Her Majesty's Revenue and Customs (HMRC), "Help with childcare costs – do you qualify for extra tax credits?", 2013. Available from: http://www.hmrc.gov.uk/taxcredits/start/who-qualifies/children/childcare-costs.htm.

[46] Latest figures available from: http://www.hmrc.gov.uk/statistics/fin-main-stats.htm.

[47] Her Majesty's Revenue and Customs (HMRC), "Paying for childcare – Getting help from your employer", 2013. Available at: http://www.hmrc.gov.uk/leaflets/ir115.pdf.

[48] http://www.hmrc.gov.uk/statistics/expenditures/table1-5.pdf.

27. In England, strategic responsibility for children's centres rests with local authorities. Prior to 2010, funding was provided to local authorities via a ring-fenced grant. Since 2010, Sure Start funding ceased, although funding has been provided to LAs through the unringfenced Early Intervention Grant.[49] Scotland, Wales and Northern Ireland each administer similar schemes. The table below shows total current expenditure on Sure Start programmes and their equivalents. In 2012–13 the Welsh Government budgeted £40m for Flying Start.[50] Capital expenditure has been excluded because comparable figures are not available over the period.

Current expenditure on Sure Start programmes – 2012–13 prices (£m)

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13*
England*	910	1 072	1 172	1 037	N/A
Scotland**	66	64	62	61	60
Northern Ireland***	22	20	23	22	23

* For the period 2008–09 to 2010–11, these represent DfE outturn expenditure figures. For 201—12, data has been taken from Local Authority Section 251 returns (2011–12).51 Note the 2011–12 estimates do not include local authority management costs relating to Sure Start Children's Centres. To put this into context, LA management costs came to £173m in 2010–11.

** Figures relate to spending on Sure Start Strategy taken from Grant Aided Expenditure tables.[52]

*** Figures supplied by the Northern Ireland Executive. Sure Start services in Northern Ireland are delivered to children aged under-four and their families within the top 20 per cent most disadvantaged wards.

Child protection

28. Due to the way in which measures designed to protect children's safety are funded and delivered, it is difficult to identify precise figures for how much is spent on such a wide number of potential interventions. Funding for these interventions will be through multiple agencies, at both national and local levels. The PESA tables do, however, break down local spending on children's social services. These figures are shown in the table below. Over the past five years, total UK spending on local children's services has remained relatively constant at around 0.5 per cent of GDP.

Revenue expenditure on children's social services – 2012–13 prices*

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13*
Total Expenditure (£m)					
England	6 323	6 794	6 759	6 542	6 543
Scotland	745	793	777	715	820
Wales	429	436	446	471	456
Northern Ireland	20	20	13	171	169

[49] http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/surestart.

[50] Figures taken from the National Evaluation of Flying Start – Area case study synthesis report (2013), available from: http://www.sqw.co.uk/files/7513/8620/2634/131128-national-evaluation-flying-start-area-case-study-synthesis-report-en.pdf.

[51] Available from: http://www.education.gov.uk/childrenandyoungpeople/strategy/financeandfunding/section251/archive/b0068383/section-251-data-archive/outturn-data---detailed-level-2008-09-onward.

[52] Available from: http://www.scotland.gov.uk/Topics/Statistics/18209/2012-15settlement.

	2008–09	*2009–10*	*2010–11*	*2011–12*	*2012–13*
Total Spend	**7 517**	**8 044**	**7 995**	**7 899**	**7 987**
(% of GDP)	0.47%	0.53%	0.51%	0.50%	0.51%
Spend per Head**					
England	564	605	599	577	573
Scotland	712	761	748	686	789
Wales	670	686	705	744	722
Northern Ireland***	47	47	30	398	391
Average	**564**	**603**	**598**	**587**	**591**

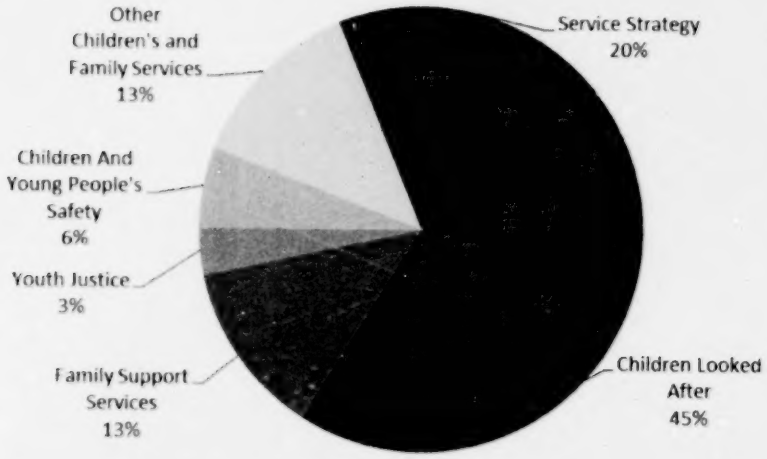
* Analysis of PESA data (July 2013).

** Total spending as a proportion of all children under the age of 18.

*** The very low levels of relative spending between 2008–09 and 2010–11 implies some inconsistency in how the data was reported prior to 2011–12.

29. To provide some context, the chart below shows the breakdown of spending between different types of children's services in England. The single largest area of spend is on "looked after" children. This generally refers to children looked after by the state, although definitions differ between England, Northern Ireland, Scotland and Wales. In England this includes those who are subject to a care order or temporarily classed as looked-after on a planned basis for short breaks or respite care.[53] This can include children that continue to live with their families or those placed in residential care.

Breakdown of revenue spend by English Local Authorities in 2011–12*


Other Children's and Family Services 13%
Service Strategy 20%
Children And Young People's Safety 6%
Youth Justice 3%
Family Support Services 13%
Children Looked After 45%

Source: * Data from the Department for Communities and Local Government – Local authority revenue expenditure and financing.[54]

[53] For further information see NSPCC here: http://www.nspcc.org.uk/Inform/resourcesforprofessionals/lookedafterchildren/introduction_wda88884.html.

[54] Available from: https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/local-authority-revenue-expenditure-and-financing.

30. The variation in levels of spend per head between countries will reflect both differences in policy priorities and the proportion of children looked-after and, in particular, the proportion of children placed in residential care. Data compiled by the NSPCC[55] suggests the proportion of children looked-after is highest in Scotland (around 1.6 per cent of children) followed by Wales (around 0.9 per cent). In England and Northern Ireland it is significantly lower, at around 0.6 per cent.

[55] Numbers of children looked after by county available from: http://www.nspcc.org.uk/Inform/resourcesforprofessionals/lookedafterchildren/statistics_wda88009.html. These figures are then divided by the total number of 0–17 year olds in each country to derive the relative proportions.

Appendix 5
Consultations with children and young people conducted by the United Kingdom Government to inform policy and practice

1. The following is an extensive, but by no means exhaustive, series of examples of activities by government departments in *England* through which children and young people have been consulted on matters of national significance and through which they have been able to influence policy and practice.

Cabinet Office (CO)

1. As part of the Democratic Engagement Project, the Cabinet Office launched two projects in August 2013: the Democratic Engagement Innovation Fund and Rock Enrol! Youth Engagement. These projects are aimed at engaging groups which are currently under-represented on the electoral register – these include 16 to 17 year- olds and people in social housing in regions across England and Wales. Rock Enrol! is an interactive resource aimed at inspiring young people to discuss and debate what they care about, whilst considering why they should register to vote. Cabinet Office developed the resource with the youth-led organisation Bite the Ballot.

Department for Communities and Local Government (CLG)

2. The Department for Communities and Local Government has provided funding to support the National Youth Reference Group and Youth Homeless Parliament which are made up of young people aged 16–25 from across England who are homeless/have experienced homelessness. The groups exist to assist national and local government, local authorities and organisations to develop and improve their involvement opportunities for young people. In particular, the Youth Homeless Parliament act as ambassadors for young people up and down the country, giving youth homelessness a voice at the heart of Parliament to MPs and Ministers about emerging issues and personal experiences.

Department for Education (DfE)

3. Activities by the Department for Education :

(a) Received around 750 responses from children and young people to a consultation on draft legislative proposals for a reformed Office of the Children's Commissioner which ran from July to September 2012. The results were published in December 2012, alongside a Written Ministerial Statement setting out how the Government intended to move forward in light of the consultation responses;

(b) Engaged EPIC—Equality, Participation, Influencing, Change—a group of 14 disabled young people across the country, supported by the Council for Disabled Children, in the SEN reform process to advise on changes to the SEN and Disability part of the Children and Families Bill during its passage through Parliament. The new measures now enshrined in the Children and Families Act 2014 will give children and young people with SEN a greater say in their education and support. EPIC was also involved in a dedicated consultation with disabled young people on a draft SEN Code of Practice;

(c) ANV – A National Voice (run by young people who are in care or who have been in care) worked with the Department for Education (DfE) throughout 2010–2011 to build a national picture of the current position of Children in Care Councils (CiCC's). ANV hosted a series of regional meetings with the DfE and the Office of the Children's Rights Director involving young people and Lead Workers from every CiCC and many examples of the good practice recommended in their final report were gathered during the course of these meetings;

(d) Funding the National Children's Bureau alongside ANV to hold regional training seminars in 2013–14 for local authority elected councillors and CiCC's to promote the voice of the child;

(e) The Children's Minister meets with groups of children in care quarterly to talk about how to improve the support they receive. Separate Ministerial quarterly meetings are held with care leavers and these meetings are organised by the Care Leavers Foundation;

(f) Funded the Care Leavers Foundation to consult with care leavers at events on the development of a *Charter for Care Leavers*, which was launched in October 2012 and 118 local authorities have now signed up to the principles of the Charter.

Department of Health (DH)

4. Activities by the Department of Health:

(a) An independent Children and Young People's Health Outcomes Forum, set up by the Secretary of State for Health in 2012, was asked to identify the health outcomes which matter most for children and young people and make recommendations. The Forum engaged with some 2,000 individuals including children and young people and their families. *Improving Children and Young People's Health Outcomes: a system wide response* published in February 2013 set out the Government's response to the Forum's recommendations, including how health organisations are demonstrating how they have listened to children and young people. At the same time the Under Secretary of State for Children's Health launched the *Better health outcomes for children and young people pledge* which committed signatories to improve health outcomes for children and young people so that they become amongst the best in the world;

(b) In March 2013, the UK Government asked the Forum to consider issues relating to standards of care as they relate to children and young people, particularly of culture change.[56] The Forum's report in October 2013 was informed by the views of children and young people, which were gathered on its behalf over the summer by the National Children's Bureau;

(c) During spring 2013, the UK Government's Department of Health hosted the placement of a Youth Policy Advisor, as part of a wider cross Government programme to work with youth and improve engagement of children and young people. Through the *Building Bridge* programme students were selected from local schools for structured work experience placements, and actively encouraged to contribute to the Department's work in developing better health policies. Examples of policy documents to which they have contributed include the WHO report on decision-making in health care, the NHS *Future Forum* report and, working with the children of service families, the MOD's health plan for service children. The scheme gives students the opportunity to see the work of the

[56] This commission followed the report by Robert Francis QC on standards of care at Mid Staffordshire NHS Foundation Trust.

Department first hand and also provides a unique opportunity for policy makers to gain valuable insight into how young people engage with and interpret these health-related policies;

(d) NHS England have consulted with young people on what matters to them about Health Services to inform commissioning processes. NHS England has established three initiatives to engage children and young people: the Friends and Family Test, providing an opportunity to reflect on whether they would recommend the service to others; an NHS Youth Forum to hold NHS England to account for the services it delivers to children and young people; and (developed with the Care Quality Commission) the development of national surveys of the experiences of children and young people;

(e) NHS England also ensure that children and young people are active participants at meetings such as the Annual General Meeting where organisations such as the Council for Disabled Children and Whizz-Kidz hold NHS services to account. NHS England is rolling out over 2014–15 the Friends and Families Test which gives children and young people routinely the opportunity to comment on NHS services they receive;

(f) Young people have chaired and participated in cross-organisational meetings hosted by NHS England relating to children and young people's experiences of Care.

Ministry of Justice (MoJ)

5. Activities by the Ministry of Justice:

(a) Consulted with young people on a number of occasions in developing the policy and new system of restraint for under-18s in custody;

(b) Gathered the views of children and young people in custody as part of an extensive consultation exercise on Government development plans for the secure estate published in March 2012 – the views of young people had a direct influence on the plans;

(c) Published a young person's version of their *Transforming Youth Custody: Putting education at the heart of detention* consultation paper and used focus groups across the youth secure estate to seek young people's views during a consultation which ran from February to April 2013;

(d) Involved young people in reviewing designs for posters about the complaints procedures form for under-18 Young Offender Institutions;

(e) The Youth Justice Board has introduced an Advocacy Service in the secure estate to make sure that young people's voices are heard. This is an independent service to offer confidential advice and assistance to children and young people in custody in relation to their care, welfare and treatment whilst in custody and to ensure that their rights are respected at all times and their views and wishes heard;

(f) Alongside HM Inspector of Prisons, the Youth Justice Board also carries out an annual survey of experiences of young people in custody;

(g) **Improving the Code of Practice for Victims of Crime consultation (the Victims' Code):** Held a public consultation on a new Victims' Code, which governs the information and services provided to victims of crime by criminal justice agencies in England and Wales. The Code needed to be updated to reflect changes already in place and to make it easier for victims to understand, particularly children and young people;

(h) To understand and meet the needs of young people better, MoJ partnered with the NSPCC to develop an online Victims' Code discussion forum, surveys on the

ChildLine website and two in-depth web chats on the young person's section of the Victims' Code;

(i) The new Code was published on 29 October. It includes a section dedicated to children and young people under 18 and their parents or guardians, written in clear, accessible language. All children under the age of 18 are now entitled to an enhanced service, such as quicker updates on the status of their case and access to therapy or counselling where appropriate. All service providers also have a duty to give primary consideration to the best interests of the child.

Department for Transport (DfT)

6. Activities by the Department for Transport:

(a) Aware of the issues concerning inconsistent and expensive bus fares on offer to some young people, the Minister of State has been working with other government departments and the bus industry to seek to address some of young people's concerns;

(b) Working with the Department for Environment, Food and Rural Affairs in response to recommendation from the Youth Select Committee about improving transport in rural areas for young people;

(c) Listened to the views of young people and disabled young people, including from representatives of the British Youth Council, National Children's Bureau, UK Youth Parliament and Trailblazers, which is part of the Muscular Dystrophy Campaign, a nationwide organisation of 16–30 year-old disabled and non-disabled campaigners;

(d) Trailblazers, the national network of more than 400 young disabled campaigners have met with the Department to discuss accessibility issues;

(e) Trailblazers were also able to engage the Department on improving door-to-door journeys for disabled people and contributed to the Department's Accessibility Action Plan;

(f) In addition, representatives of Trailblazers have been invited to speak at and, subsequently, attend as observers the meetings held by the Department's Disabled Persons Transport Advisory Committee;

(g) The Bus Partnership Forum is chaired by the Minister of State for Transport. It meets with the Confederation of Passenger Transport UK, major bus operators, local authority representatives, Passenger Focus and Bus Users UK;

(h) The Bus Partnership Forum provides an opportunity for young people to engage directly with the DfT and bus operators with representatives from the UK Youth Parliament and the British Youth Council invited to each Forum meeting. The East Sussex Youth Cabinet also attended the Forum in 2012.

Home Office (HO)

7. Activities by the Home Office:

(a) Funding (from April 2012–March 2015) 13 Young People's Advocates working in areas most affected by gangs to provide direct and dedicated support to young people who have been victims, or are at risk of, sexual and domestic violence and/or sexual exploitation. The Advocates provide direct support to young women in gang affected areas who have been victims of, or are at risk of sexual violence or exploitation. They are also raising awareness of this problem with young people, schools, sexual health workers and

social workers. In some areas, the Advocates consult with young people on developing services that affect them;

(b) Committed to building work with boys and young men into policy development and support and advice to the 33 priority areas under the Ending Gang and Youth Violence programme, so that issues around harmful attitudes towards women and girls are addressed;

(c) A Young People's Panel was developed with the NSPCC to help further inform the Government's work on domestic violence and abuse, following the change of definition. The Panel has met four times over a period of 12 months. We are currently reviewing the format and focus of the panel to determine how it can continue to inform policy thinking. The Panel demonstrates the Government's commitment to hear the views of young people on decisions that affect them.

Department for Work and Pensions (DWP)

8. Activities by the Department for Work and Pensions:

(a) In December 2013, DWP published "The disability and health employment strategy: the discussion so far" https://www.gov.uk/government/publications/the-disability-and-health-employment-strategy-the-discussion-so-far;

(b) This paper included a chapter on "Enabling young people to make the transition to work" which was informed by work undertaken by a Task & Finish Group of disabled people, educators, careers advisers and other experts. It also included one of the DWP's Disabled People's User Led Organisations (DPULO) Young Ambassadors who was able to contribute the views of the Young Ambassador network and to test the Task & Finish Group's proposals with that group;

(c) The Department is continuing to hold discussions on the strategy in the first half of 2014 and young people and young people's organisations, including for example the Trailblazers network, have responded to the invitation to contribute to strategy proposals. These include a young people's portal on GOV.UK, knowledge packs for parents, professionals and young people and work experience initiatives which the Department is currently developing.

Ministry of Defence – in respect of the children of UK Service personnel

2. The MoD *Children and Young People's Strategy and Improvement Plan* promotes a range of participation strategies to ensure the children of service personnel are consulted before programmes, projects and issues that affect them are developed and embedded in youth provision across the UK's Armed Forces locations, for example:

(a) An annual Tri-Service Youth Forum gives young people the opportunity to contribute directly to the MoD *Children and Young People's Strategy and Improvement Plan*, specifically on encouraging participation and influencing developments;

(b) Youth Work Pledges detailing the offer and commitment to young people have been produced in consultation with young people and produced in accessible formats;

(c) In an increasing number of Armed Forces locations, young people sit on newly-formed local Children and Young People's Boards.

In Northern Ireland

9. Activities in Northern Ireland:

(a) During 2007 and 2012, the Participation Network, funded by the Northern Ireland Executive, assisted Departments and Agencies to pro-actively engage with children and young people when developing policy. The Participation Network developed the ASK FIRST training course on engagement; provided training to over 400 public sector staff; and provided child friendly versions of consultation documents thereby assisting 60 public bodies to engage almost 4,000 children and young people in decision making;

(b) Other examples of engagement include: the design of a transport card; and Public consultation on Northern Ireland Museums policy – development of a children's version of the policy, consultation with local schools and the establishment of a focus group of 16–25 year olds;

(c) The Department of Health, Social Services and Public Safety (DHSSPS) in Northern Ireland consulted on Minimum Standards for Children's Homes, which set out standards around engagement, participation and involvement and the taking of complaints by looked after children living in children's homes.

In Scotland

1. The Scottish Government has undertaken a significant amount of work supporting children to contribute to the development of policies, legislation and practice.

(a) In 2010 Scotland's Commissioner for Children and Young People undertook "a RIGHT blether", a national consultation exercise involving over 74,000 children and young people. 44 per cent of those involved had been aware of their rights under the Convention on the Rights of the Child prior to the exercise. Following the consultation it has been recognised that further work needs to be done to increase awareness and understanding of the Convention across the public sector as well as amongst parents, carers and children;

(b) The Scottish Youth Parliament (SYP) has 150 members, with three national sittings each year to discuss and debate motions, campaigns and policy. The SYP consulted on their manifesto and received nearly 43,000 responses from young people across Scotland;

(c) At National Government level, children and young people have helped to formulate policy on issues including domestic abuse, advocacy and changes to legislation focusing on the Children's Hearings System, children's rights and children's services generally. For example, the 2012 consultation on the Scottish Government's proposed Children and Young People (Scotland) Bill (now the Children and Young People (Scotland) Act 2014 following enactment in February 2014) captured the views of over 2,400 children and young people.

In Wales

2. The Welsh Government's Children and Families (Wales) Measure 2010 places a duty on Local Authorities, working with their partners, to promote and facilitate participation by children and young people in decisions that might affect them. It requires local authorities to make such arrangements as they consider suitable to promote and facilitate participation by children in decisions of the authority that might affect them, and to publish and keep up to date information about its arrangements.

(a) The Welsh Government has provided grant funding for Funky Dragon for over 10 years. The grant facilitates children and young people's voices to be heard at a national level, through their elected representatives; and enables children and young people to engage with organizations and key decision makers to create dialogue and promote children's participation. It also funds the facilitation of the involvement of children and young people in the monitoring and reporting process to the Committee on the Rights of the Child and holding duty bearers to account;

(b) The Welsh Government has established a Ministerial Expert Group on Advocacy (MEGA) to provide the Government with advice and recommendations in relation to commissioning advocacy services, implementing legislation and guidance, scrutiny and checks to ensure high quality advocacy services and advice on raising awareness and understanding of advocacy for vulnerable children and young people;

(c) A Young Persons' Expert Group has also been established to sit alongside the MEGA to ensure the voices of advocacy users are heard when Ministers are provided with advice and recommendations;

(d) The Welsh Government continues to provide funding for the Young Carers Network in Wales. The network facilitates consultation with young carers, enabling the voices of young carers to be heard by policy makers. Part of this work is to ensure that the young carers are able to discuss their issues and concerns with the Welsh Government on an annual basis.

United Kingdom Overseas Territories and Crown Dependencies

Summary reports

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Introduction

British Overseas Territories

1. This annex contains the reports from the Overseas Territories that responded to the UK State Party's request for information; and from the Isle of Man. The individual reports are preceded by a table that summarises the progress that has been made on implementing the relevant concluding observations of the Committee on the Rights of the Child (49th session) (CRC/C/GBR/CO/4) (20 October 2008).

2. There are 14 British Overseas Territories. The UK Government has responsibility for the international relations, internal security, defence and good governance of the Overseas Territories, as well as the well-being of their peoples. The Overseas Territories have their own constitutions and domestic laws, with a substantial measure of responsibility for the conduct of their internal affairs. They are responsible for the protection and promotion of human rights and have a duty to ensure local law complies with the relevant conventions and court judgements and is non-discriminatory.

3. Most of the Overseas Territories are small islands or island groups that face resource and capacity constraints that affect their ability to consider or implement treaties. The UK Government's longstanding practice in this area is to encourage the Territories to agree to the extension of United Nations human rights conventions that the UK has ratified, but to extend these to the Territories only when they are ready to apply them.

Crown Dependencies

4. The Crown Dependencies fall under the sovereignty of the British Crown but have a different constitutional relationship with the UK than overseas territories. They are not part of the UK and have no representation in Parliament at Westminster. They comprise the Bailiwick of Guernsey (including Alderney, Sark and Herm); the Isle of Man; and the Bailiwick of Jersey. They are internally self-governing "Dependencies" of the Crown included in the term "British Islands".

5. The Crown Dependencies each have their own legislative assemblies responsible for making primary and secondary domestic legislation; the former requiring Royal Assent or Sanction. They also each have their own administrative, fiscal and legal systems and their own courts of law. The UK Government is responsible for the Isle of Man's defence and international relations for which the Island's government makes an annual financial contribution to the UK. The Crown, acting through the Privy Council, is ultimately responsible for the Crown Dependencies' good government.

6. The UK Government extended its ratification of United Nations Convention on the Rights of the Child to the Isle of Man and to Jersey. Guernsey is also taking steps towards ratification.

Summary of responses to the Committee's concluding observations—CRC/C/GBR/CO/4—20 October 2008

Concluding observation in CRC/C/GBR/CO/4	*Progress by Overseas Territories*
Paragraph 9: (p. 3) **Withdrawal of reservation to article 32 with respect to Overseas Territories and Crown Dependencies**	**Anguilla**: The Education Act 2012 prohibits the employment of children of compulsory school age (5–17 years) during the Academic year. Exception is made for children fourteen years and older who can be employed on weekends and vacation periods. **Bermuda**: The Employment of Children and Young Persons Act 1963 deems a child to be a person under the age of 13 years. The Minister responsible for the Act also has the right to make any regulations in regards to employment of young persons. The Act provides that no child shall be employed in any employment whatsoever, except in light work of an agricultural, horticultural or domestic nature where the parent or guardian of the child is also the employer of the child. The Act prohibits a child whose age is below the upper limit of the compulsory school age (as defined in the Education Act 1996) from being employed during school hours on any school day. The Act also prohibits a child under the age of fifteen years from being employed in any industrial undertaking. It is possible for a person under eighteen years of age to be employed during the night. An employer may employ a person who has reached 16 years of age until mid-night; in the case of employed females within this age-range, the employer must make appropriate arrangements for the female to return home safely if she has worked at night. Section 40 (1) of the Education Act 1996 provides the parameters of compulsory school age. That is, a child is deemed to be of compulsory school age if he or she has reached 5 years of age but has not yet reached the age of 18. The latter age was raised from 16 to 18 as a means of ensuring that students remained in school in order to finish the set curriculum. A child may leave school prior to reaching 18 years of age if he or she has met the requirements for graduation from senior school at an earlier age. Provision is also made in the Education Act for a parent or guardian of a child who has who has reached 16 years of age to request that the child be released from school. The Minister of Education may agree to the early release if he or she is satisfied that the further compulsory attendance of the child at a school would not be beneficial to him. **British Virgin Islands**: Under the Labour Code 2010, the minimum age for entry into employment is 16 and is 18 for "hazardous work". The Commissioner of Labour may appoint inspectors to enforce the provision of the Labour Code. The Labour Code allows for fines against employers and parents/guardians in enforcing this. **Pitcairn**: There is no child labour on Pitcairn. All employment is through the Pitcairn Government – there is currently no private sector employment. Children join in with the production of "curios" for sale to visitors but this is a traditional family activity, not labour. **St Helena**: By virtue the Welfare of Children Ordinance, 2008, no child under the age of 18 years shall be employed or engaged in any activity that may be detrimental to their health, education or development and that ensures the protection of a child from such activity. Section 63 of the Education Ordinance, 2008, provides that no

Concluding observation in CRC/C/GBR/CO/4	*Progress by Overseas Territories*
	person shall employ any child of compulsory school age during school hours to perform any work whatsoever and no parent shall allow a child to be so employed.
	Isle of Man: The Isle of Man Government will give further consideration to whether it is possible for the reservation to article 32 to be withdrawn for the Isle of Man.
Paragraph 42 (pp. 9 and 10)	**Anguilla**: The Education Act 2012 abolished corporal punishment in all schools in Anguilla.
Prohibition of corporal punishment in the family; and in schools and all other forms of alternative care	**Bermuda**: Judicial corporal punishment has been abolished but corporal punishment continues to be legally administered in schools.
	British Virgin Islands: schools focus on positive reinforcement of behaviour. Corporal Punishment exists in public schools, assisted private schools and private schools, but is constrained by the Education Act. The Corporal Punishment (Abolition) Act, 2000 abolished Corporal Punishment in the penal system in the Territory. Parenting seminars provide an avenue for parents to discuss issues, concerns and other matters.
	Cayman Islands: The Education Law (2010 Revision) states that corporal punishment may be administered by the principal in circumstances where it is deemed no other punishment is suitable or effective. However, since 2009 the government has implemented a policy against corporal punishment in schools. Amendments to the said law are forthcoming to prohibit corporal punishment in schools. Corporal punishment in the home is not legislatively prohibited, however, punishment that have the effect of causing physical damage or other significant harm to the child are either punishable through cruelty offences under the penal code or are dealt with under the Children Law (2012 Revision). Corporal punishment is not allowed to be carried out in Foster Homes or Children's Homes. Parenting Education is managed under the Department of Counselling Services – Family Resource Centre and that entity does public education on healthy parenting.
	Falklands: Corporal punishment is prohibited by law in schools and prisons. Corporal punishment in the home is governed by the common law where the defence of reasonable chastisement is available. Corporal punishment in the home is not promoted by the Falkland Islands Government; Parenting courses which promote alternative methods of child discipline, and trains professionals working with children on how to address suspected physical (and other forms of child) abuse are offered. Foster carers are not permitted to use corporal punishment. The Education Department uses a training programme called "Team Teach", which promotes de-escalation techniques to minimise confrontation between adults and children and positive handling by listening to children and allowing them to "have a voice". All primary and secondary school teaching staff (including learning support and teaching assistants) receive training in Team Teach.
	Montserrat: corporal punishment is still permitted albeit it can only be administered by the Head Teacher. However corporal punishment is now outlawed in all public schools by policy.
	Pitcairn: In 2009 the Pitcairn Children Ordinance was amended and the common law rules permitting the use of force for punishment of a child were abolished. Under the current Ordinance (2010 Rev Ed) anyone who assaults a child is liable on conviction in either the Supreme Court or Magistrate's Court for punishment through

fine or imprisonment.

St Helena: Corporal punishment forbidden under the Education Ordinance 2008.

Ascension: Corporal punishment is forbidden under the Education Ordinance 2008.

Tristan de Cunha: Whilst the judicial system and educational system acknowledges corporal punishment as illegal, parents are allowed to use corporal punishment on their children within the reasonable limits of chastisement. Programmes in parenting and direct Child Care Services are not currently available to families but there is openness by the Health Services to consider such provision if the need exists.

Isle of Man: Corporal punishment is not permitted in either care institutions or the juvenile justice Corporal punishment is prohibited in schools provided or maintained by the Isle of Man Government's and at any school or other place of education. There are currently no plans to reconsider the position in relation to corporal punishment by parents or legal guardians in the home.

Paragraph 49 (p. 12)

Expand application of the Hague Convention on Inter-country Adoption to the Overseas Territories

Anguilla: There has been no new movement at the present for Anguilla to expand the application of the Hague Convention.

Bermuda: legislation in place and supporting specific regulations on intercountry adoptions at advanced stage. Bermuda will be seeking to have the Convention on intercountry adoptions extended to Bermuda.

British Virgin Islands: BVI is a "designate country" for the Hague Convention on Inter-country Adoption and follows its guidelines in such matters.

Cayman Islands: The law requires the prospective adopter to obtain the Grand Court approval prior to any child, who is not a resident of the Islands, being brought in to the Islands for purposes of Adoption. The Law also now requires that a copy of this application must also be filed with the Immigration Authorities. The Law has been passed but is not yet enacted as Regulations are presently being dealt with. Section 52 of the Children Law, 2012 deals with Child Abduction as it relates to children in care, children on an Emergency Protection Order or Children in police protection.

St Helena: Adoption has not occurred for many years on St Helena. However, if it takes place then agencies would follow the letter of the law with the best interest and the views of the child to the fore. The WOCO does not include Adoption regulations but these are being drafted and will include a registered Adoption Agency and Panel.

Ascension: There have been no cases of adoption for the period under review and no experience of fostering or illicit transfer and non-return of children.

Tristan de Cunha: There are also no known or reported cases of adoption of children over the reporting period.

Paragraph 63 (b) (p. 14)

Strengthening mental health and counselling services, ensuring they are accessible and sensitive to adolescents

Anguilla: The Ministry of Health and Social Development has recently entered into an agreement to work with an external organisation to develop a multi-purpose mental health facility. The first phase of this project will include a feasibility study as well as a substance abuse prevalence study. Substance Abuse treatment will be a major part of this project. While it does not target adolescents exclusively, services will be available to all age groups.

Concluding observation in CRC/C/GBR/CO/4	*Progress by Overseas Territories*

Bermuda: the Bermuda Youth Counselling Services/Family Treatment System provides counselling and family assessments to youth between aged 13 to 24 and assessments for their families. BYCS offers screenings, intakes, orientations, treatment planning, clinical and family assessments, outpatient counselling, group counselling, consultations, crisis intervention, case management, random drug screenings as part of treatment, referrals and aftercare. One of the major recommendations and proposed actions of The National Drug Control Master Plan 2007–2011 under "Treatment and Rehabilitation" was "establishing comprehensive treatment services for youth involved in substance abuse": www.dndc.gov.bm).

Substance abuse prevention efforts are a key component of the Master Plan and are focused mainly "preventing young people from becoming substance users/abusers of alcohol, tobacco and other drugs" and "decreasing alcohol and other drug problems in at-risk groups". (National Plan Goals 2 and 3, page 70). Education (clear and consistent anti-drug use messages/ healthy lifestyle choices) and evidence based programming within schools are key components of Bermuda's drug prevention efforts. Mental Health Services for children and adolescents are provided by "The Child and Adolescent Programme" under the auspices of Mid Atlantic Wellness Institute (MAWI), Bermuda Hospital's Board (BHB). BYCS works in collaboration with Child and Adolescent Services in the case of children /adolescents requiring co-occurring disorder treatment.

British Virgin Islands: Information is disseminated annually via school assemblies and school fairs; Information to local youth groups Addiction counselling services have been strengthened e.g. Second Chances, an adolescent group programme, which makes services accessible by treating at school.

Cayman Islands: The Department of Counselling Services and the Mental Health Unit at the Health Services Authority provide the appropriate resources to children who either have mental health or drug addiction problems. The youth justice system and the juvenile system when assessing the risk of harm the child may be subjected under the children law, also ensures that the child is assessed to determine the child's needs and to ensure that the appropriate treatment is administered to the child. School counsellors are also available at all public schools to assist in providing the necessary intervention of children who are in need of the above services. These counsellors will coordinate with other professionals to ensure the child's needs are met.

Falklands: The Personal, Health and Social Education curriculum in both the primary and secondary schools addresses substance misuse of all kinds. This is supported by the DARE (Drug Awareness and Resistance Education) programme delivered in both schools by specially trained police officers.

Montserrat: a D.A.R.E. (Drug Awareness and Resistance Education) programme is run in the island's primary schools and plan to commence an advanced programme in the Secondary School in the 2013/2014 academic year.

Pitcairn: There are no instances of substance abuse by adolescents on Pitcairn. All residents have access to medical services, social work advice and telephone counselling as needed.

St Helena: Substance abuse in the form of alcohol and cannabis continues to be

Concluding observation in CRC/C/GBR/CO/4	*Progress by Overseas Territories*
	addressed with in-school programmes by the Directorate of Education and from an inter-disciplinary perspective as part of the Alcohol Strategy. The Health Promotion Co-ordinator within the Directorate of Health and Social Welfare also provides island wide information through campaigns via the media and in-school support. Children and Adolescent Mental Health (CAHMS) is a fully functioning inter-disciplinary group that looks after the young people's mental health. The High School employs an Emotional and Behaviour School Counsellor who makes a significant input into the mental health of school children. There is also a visiting Psychologist and Psychiatrist both with remote call-down support. Schools are addressing this through the curriculum and other health and safety sessions. **Ascension**: Counselling and guidance on sex education, health and wellbeing (including alcohol and drugs) is available to children through the school in collaboration with the health services. The Police School Liaison Officer works with teachers as part of the PSHE programme on issues related to e.g. drugs underage smoking and sexual offences. **Tristan de Cunha**: There are no cases of mental health problems, drug or alcohol abuse among children and the youth.
Paragraph 74 (p. 18) **Intensify efforts to collect data on extent of sexual exploitation and abuse of children, essential to prepare adequate responses to and combat these phenomena**	**Anguilla**: The Child Abuse Reporting Protocol has been shared with stakeholders. A consultation meeting was held earlier in the year and the use of the child abuse reporting form and protocols has begun to roll out. The newly developed reporting form in conjunction with the protocols will enable collection of data on abuse in a formalized manner. There are on-going awareness sessions (English and Spanish), workshops, media messages, and the recent community theatre event "Somebody Help Me Please!" which will be available on DVD. **Pitcairn**: There are no instances of child prostitution on Pitcairn. The Foreign and Commonwealth Office and the Department for International Development support and encourage child safeguarding measures on Pitcairn to minimise the risk of child abuse. This includes through the work of a UK diplomat as Children's Officer, a Police Officer, teacher, social worker and doctor. Child safeguarding reviews are conducted by independent child safety experts on a two yearly basis. The history of child sex abuse on Pitcairn is well documented as is efforts to defeat it. **St Helena**: Evidence received from independent reports has unearthed allegations of child sexual exploitation in St Helena. Work is under way to stop all forms of child abuse. Measures such as child safety reviews, capacity building and an independent enquiry are being implemented. These efforts will protect children from harm and promote welfare. **Tristan de Cunha**: There are no known reported such cases of cruelty to children in Tristan da Cunha.
Paragraph 78 (g) (p. 20) **Ensure that, when children in the Overseas Territories are subject to deprivation in another country, all guarantees enshrined in article 40 are respected**	**Bermuda**: In 2008, The Criminal Code 2007 became operative. The Code aims to protect children from sexual exploitation and abuse. The following offences as well as their potential terms of imprisonment for offenders are outlined in the Code: • Child pornography; • Showing child abusive material, child pornography or offensive material to a child;

Concluding observation in CRC/C/GBR/CO/4	*Progress by Overseas Territories*
and duly monitored	• Luring; • Making, distributing, etc. of child abusive material or child pornography; • Possession of child abusive material or child pornography; • Accessing child abusive material or child pornography. In addition the Code outlines the procedure for search and seizure of child abusive material; forfeiture of things used for child pornography; relief from forfeiture and forfeiture Appeals. Bermuda has not had reported incidence of child prostitution or trafficking. Bermuda statistics historically have not been broken down in a way to identify prostitution, pornography and trafficking or deprivation of liberty because the incidence of this problem did not seem to merit it. However, given the growing importance of these issues, the Department of Child and Family Services intends to expand its terms of reference by implementing a Multi-agency Protection Committee to examine cases of prostitution, pornography, trafficking and deprivation of liberty. The Multi-agency Protection Committee will flag high risk offenders and children at risk. They will ensure coordination and best practice protocols to reduce the risk of repeat offending, victimization and community risk. In addition the Bermuda Police Service has begun to provide training to staff and improved tracking measures to report on such cases. In 2012 there were referrals for 3 cases of exploitation and 3 involving exposure to pornography. For 2013 there have been 6 cases of exploitation and 2 cases involving exposure to pornography. There have been no cases of the deprivation of liberty of any children. These statistics do not include the cases that were investigated with respect to social media. That is, cases where it was alleged that children were asked via social media to send sexually explicit pictures or were asked to perform sex acts for money. All children who are victims of abuse, regardless of the nature, are assessed by the Department of Child and Family Services and individual service plans are drawn up. These plans detail the client needs for recovery and social integration and the intervention for meeting those needs. **Pitcairn**: There are no children subject to deprivation of liberty either on Pitcairn or in another country. If a situation were to arise where this was necessary consideration would be given to the most appropriate course of action, the rights of the child would form part of these considerations. **St Helena**: There are no juveniles detained on St Helena. There is no knowledge of any children from the island being detained overseas. **Ascension**: Where children are incarcerated outside of Ascension it will be for the State of Original domicile of that Child to monitor compliance with article 40 of the Convention.
Paragraph 78 (p. 19) **Children in conflict with the law and administration of**	**Bermuda**: The planned revision to the Young Offenders Act 1950 remains a work in progress. This is critical, given the emphasis on long-term rehabilitation through prevention and early intervention. **Montserrat**: A new Criminal justice Bill establishes a criminal justice process for

Concluding observation in CRC/C/GBR/CO/4	*Progress by Overseas Territories*
juvenile justice	children accused of committing offences. **Isle of Man**: Whilst no changes have yet been made definitions of "child" and "young person" in primary legislation in relation to juvenile justice system this matter is under consideration. However, "young people" under 17 years, are able to receive the preventative and restorative approach that is offered to those under 17 years. 17 year olds who have been arrested and detained in police custody are to be treated as "juvenile" in custody, even though legislation still recognises 17 year olds as adults. An amendment to the secondary legislation means that 17 year olds who are remanded or sentenced to custody are now accommodated in the Secure Care Home rather than the adult prison.

Anguilla

New information – health and social development

7. The Ministry of Social Development has established a Child Protection Steering Committee with the mandate of developing an Action Plan ensuring that Anguilla is in full compliance with all the articles of the Convention on the Rights of the Child. The Child Protection Steering committee has transformed into a Project Team and has been implementing the Safeguarding Children in Anguilla Project on an ongoing basis.

8. The project has and continues to have various outputs from 2009 to present. These include, motivational workshops and "Keeping Children Safe Training" for professionals, awareness sessions for civil society groups, child protection training for Church Leaders, the publication of a guidance booklet on recognizing and reporting child abuse, introduction of a standard reporting form for use by professionals. The Ministry of Social Development in conjunction with UNICEF has developed an Interagency Child Protection Protocol which provides guidance and support on good practices for the identification, reporting, investigation, case management, and prosecution of child abuse cases. The protocol's primary objective is to help secure and safeguard the general well-being, safety and protection of children in Anguilla. The Safeguarding Child in Anguilla project has expanded into a media campaign with specific outreach to children themselves and to the Spanish Speaking Community. In addition to broadcasting tips on television and radio, and developing a website, a theatrical production is on the horizon for live performance and it will be produced on DVD for future cohorts to use in classroom.

9. The Zenaida Haven Juvenile Rehabilitation Centre began operations in May 2009. The Centre provides a residential, therapeutic environment for chronic and persistent juvenile offenders age 12–17. The Centre employs a range of targeted intervention with the aim of reducing offending and anti-social behaviour. The ultimate goal is to successfully reintegrate young people into their communities. Offending youth under of the age of 18 are no longer housed with offending adults nor are they housed at the police station. The passage of the Probation Act 2011 provides the legal framework for the operation of Zenaida Haven and expands the range of orders that the Magistrate has at his/her disposal with regard to alternatives to custodial sentencing for offending youth.

10. A Domestic Violence Bill has been drafted and has had wide stakeholder consultation. This bill defines Domestic Violence in part as "… any controlling or abusive behaviour that harms (or may harm) the health, safety or well-being of a person or any child regardless of gender or sexuality …" It also makes provisions for protective orders and maintenance orders for children. It is anticipated that this bill will be passed in early 2014.

11. The Social Protection Bill which should come into force by the end of 2014 is a modernization of the antiquated Hospital and Poor Relief Act. The Hospital and Poor Relief Act omits some very basic elements necessary to deliver public assistance in an efficient and effective manner. The Social Protection Act will provide wider scope for the provision of public assistance to families and children and will bring this assistance in line current realities. The composition of and challenges facing society, have become more diverse and complex. The Act must therefore reflect these facts.

Updates: Health and Social Development

Chapter VI
Basic health and welfare

12. Paragraph 30: The HAA can no longer afford to offer free prenatal care to pregnant women.

13. Paragraph 32: During the period 1988–2011, 42 persons were diagnosed as HIV positive. Anguilla has had no cases of mother to child transmission of HIV in the last 10 years nor are there any reported cases of children living with HIV or AIDS.

14. Paragraph 34: During the period 2006–2010 there were 8 deaths in the under 5 age group. There no deaths in the 5–9 age groups during the period.

Chapter VIII
Special protection measures

15. Paragraph 45: During the period 2009—when Zenaida Haven was established—through 2012, 29 youth have been resident at the Centre. The Department of Probation has supervised and managed 118 youth under the age of 18 during the period 2005–2012.

Updates: Education, sports, youth and culture

Chapter I
General measures of implementation

16. Paragraph 6: In 2007, the Department of Sports, Youth and Culture was separated into two departments – the Department of Sports and the Department of Youth and Culture.

Chapter III: General principles

17. Paragraph 10: The Education Act 2012 prohibits the employment of children of compulsory school age (i.e. 5 to 17 years) during the academic year. Exception is made for children fourteen years old and older who can be employed on weekends and vacation periods.

18. Paragraph 13: The Department of Youth and Culture in collaboration with the Anguilla National Youth Council and the National Youth Ambassador Corps, organizes an annual Youth in Development conference in which young people discuss issues affecting them and formulate recommendations to Government as to how those issues should be addressed. A key component of the Conference is the opportunity provided for young people to present their recommendations to Government Ministers and senior public officers in an open forum where the issues are discussed and debated.

19. Additionally, prior to the 2010 General Elections, the Literary and Debating Society of the Albena Lake Hodge Comprehensive School organized debates between the political candidates vying for election in the seven electoral districts. This was the first occasion on which organized debates were held in relation to persons seeking political office in Anguilla.

Chapter IV
Civil rights and freedoms

20. Paragraph 22: The Education Act 2012 abolished corporal punishment in all schools in Anguilla. Teachers at all public primary schools were trained in using positive behaviour management strategies to address disciplinary issues.

Chapter VII
Education, leisure and cultural activities

21. Paragraph 35: There are 126 secondary level teachers and 112 primary level teachers. There are 1,559 primary pupils and 1,207 secondary pupils.

22. Paragraph 36: In 2011 the Ministry of Education embarked on a Literacy Development Project. This involved a Literacy Awareness Campaign, human resource development, procurement of additional resources, increased access to ICT and the introduction of a summer Catch-Up reading programme.

23. Paragraph 39: The Anguilla Community College was formally established in 2008. It currently offers programmes in business, hospitality, geriatric care, education, technical and vocational areas, personal development, short term professional development programmes and second chance courses. Current enrolment is 273 students. It is anticipated that the College will commence construction of a fit for purpose building in 2014.

24. Paragraph 41: A substance misuse counsellor was engaged in 2008 to provide this service to secondary level students. There are other guidance counsellors attached to the secondary school and to primary schools, hence counselling services are available to all students. School Health Nurses also conduct health checks on all students and make referrals as necessary.

25. Additionally, there are several units established within the education system which address the special needs of the school population. At primary level, there are four units: one for children with moderate learning disabilities; one for children with severe learning disabilities, one of children with emotional and behavioural disorders and one for children with multiple and profound disabilities (which may be both physical and mental). These children are catered for at secondary level as well. Further, at secondary level, there is the Workshop Initiative for Support in Education (WISE) campus which provides alternative education for children who can benefit from a more practical learning environment.

26. Anguilla is now part of a regional initiative aimed at ensuring all schools are "child-friendly". Two Principals have been trained in the methodology and others will be trained later this year.

27. Paragraph 42: The Department of Sports organizes sporting activities and competition at school and community level. The Department also works with associations to build capacity in the various sporting disciplines. A number of international athletes have emerged based on opportunities afforded them through the work of the Sports Department and Associations. Work has begun on an indoor sports complex which can accommodate various sports.

28. Additionally, the Department of Youth and Culture organizes a slate of cultural based camps over the summer period targeted at young persons aged 11 to 18 years. Young people are exposed to music production, calypso writing, visual and culinary arts, dance, costume design and the like. The Department also supports the work of youth and cultural groups either through direct funding or technical support. Partnerships have been

established which support the development of community festivals which showcase various aspects of Anguillian culture. This complements the popular Anguilla Summer Festival and boat racing week. Through the work of the Department, an inclusive participatory process was spearheaded in which the people of Anguilla selected various national symbols which were approved by Government.

29. The Department of Youth and Culture has also been instrumental in facilitating the development of a number of youth centres in various communities where young people can go to participate in various leisure or developmental activities as well as receive homework support.

Bermuda

Chapter I
General measures of implementation

General measures of implementation

1. Many of the laws in Bermuda have been updated in order to reflect the current philosophy and harmonize with the Convention. The Children Act 1998 is an umbrella act for all legislation related to children.

2. The Children Act 1998 provides for the creation and maintenance of a Child Abuse Register in which the names of persons convicted of causing harm to children are recorded. Bermuda's Child Abuse Register remains operational. It is a register of persons who have been convicted of child abuse and serves as a resource of protection against those persons working with children. Protocols have been established and resources identified to provide any potential employers with this information.

3. The Age of Majority Act 2001 lowered Bermuda's official age of majority from 21 to 18. The change arose out of the demand from the private sector and public sector, and attempts to meet the terms of the Convention. The age for marrying without parental consent and for sitting as a Member of Parliament or Senator remains at 21.

4. Per section 4 of the Young Offenders Act 1950, the age of criminal responsibility in Bermuda remains at 8 years old. The Bermuda Government has noted the concern expressed with regards to the low legal age of criminal responsibility.

5. Smoking in public places continues to be banned in Bermuda. It is an offence to smoke in bars, restaurants, hospitals, hotels, offices, schools and other Government buildings. It is illegal to sell cigarettes to individuals under 18 year olds. Cigarette vending machines continue to be illegal along with tobacco advertising at sporting events.

6. Statistics from the Department for National Drug Control (DNDC) indicate that 55 per cent of young people had already tried an alcoholic drink by the average age of 12 years. At least 10 per cent of young people indicated that they had 5 or more drinks in a row on at least one occasion, meaning that they may have become intoxicated and exercised impaired judgment. That notwithstanding, 88 per cent of young people perceived drinking alcohol frequently to be harmful to their health. The DNDC has developed a document entitled **Master Drug Control Policies and National Plan** as well as an **Action Plan** in order to address concerns over drug use on the Island.

7. In its 2013–2014 Budget Statement, the Government of Bermuda imposed additional taxes on cigarette and alcohol purchases as a deterrent to use.

General principles

Best interest of the child

8. Children resident in Bermuda are afforded all the protections of the Human Rights, 1981 (as amended). These include, but are not limited to, protection from discrimination on the grounds of race, place of origin, colour or ethnic origins, sex (gender), disability, whether or not the child was born out of wedlock, or likely to have a child, religion, or beliefs or political opinions.

9. Enshrined in legislation is the principal that consideration must be given in all deliberations to "the best interest of the child". From a programming perspective, the Government ensures that best practice standards are maintained for all programmes that it delivers and/or funds. All sections within the local Department of Child and Family Services are working on, or have achieved, accreditation standards via the Bermuda National Standards Committee, an affiliate of the Council on Accreditation.

10. As required under article 3 (1) of the Convention, the Adoption of Children Act 2006 embodies the principle of best interests of the child. Section 3 of the Act provides that the best interest of the child shall be the paramount consideration in any decision made by the Director, the court, or any other person involved in the adoption process.

Respect for the views of the child

11. The Education Act 1996, the legislation under which the Ministry of Education operates, continues to reflect the philosophy of the Convention in that Section 23 (3) states that "every child shall have the right to be heard before any penalty is imposed for an infraction, and at his request, may have a right, if the Principal considers the infraction as a major one, to be accompanied by another person during the hearing".

12. Under article 12 of the Convention, a child has a right to express his view freely in all matters affecting him or her, and for the child to be heard in any judicial and administrative proceedings affecting them. Section 26 of the Adoption of Children Act 2006 provides for the court to inquire into a child's capacity to understand and appreciate the nature of an application for adoption and to consider the child's views if they can be reasonably ascertained, and where it is practical to do so, to give the child the opportunity to be heard.

Civil rights and freedoms

13. Under Bermuda's Constitution, children have the same rights as adults. The Bermuda Constitution Order of 1968 has principles included under Section 1 of the Protection of Fundamental Rights and Freedoms of the individual. These are the same fundamental principles as laid out in the Declaration of Human Rights.

14. The Human Rights Commission is responsible for protecting the rights and freedoms of individuals in Bermuda under the statutory authority of the Human Rights Act, 1981. Its mandate is to conciliate, investigate and settle allegations of unlawful discrimination and to educate the public on human rights protections, and human issues in general. While mental disability is not a protected ground within the Human Rights Act, the Commission advocates for such consideration while publicly promoting that people, intuitions and organizations refrain from discrimination on this basis.

15. The Commission works with schools and youth groups and provides presentations on rights provided in accordance with the Human Rights Act and the responsibility that all share to promote the principles of human rights throughout the Community. The Commission also works with schools to develop their policies to protect against discrimination, bullying, sexual harassment and sexual harassment. The Commission also engages with the community by partnering with youth-centered organizations to share understanding of personal responsibility and issues of social justice.

16. The Bermuda Government aims to improve the quality of life and inclusivity for all persons with disabilities, including children. In 2006 the Government established a committee to recommend a national policy on disabilities. The objectives were determining guiding principles to recommend policy objectives in areas of access, communication, education, training, health, housing and transportation; and to identify overall goals and objectives for each area.

17. Recommendations were made and accepted by Parliament in 2007. Arising from the National Policy, the National Accessibility Advisory Council was appointed to provide advice to the Minister responsible for disabilities on matters related to disabilities.

18. Between 14th–16th November 2011, the Bermuda Government Department of Statistics hosted the 11th Meeting of the Washington Group on Disability Statistics, a United Nations City Group. The objective of the meeting was to create and promote measures for generation of disability statistics in censuses and surveys cross-nationally. The 11th Meeting focused on measurement of child disabilities and environmental factors. In addition to representatives from international statistical agencies and a United Nations Children's Fund representative, other ministries, departments and agencies were in attendance.

19. In 2012 the Ministry of Health and Seniors established a transition team whose mandate was to identify children with disabilities in the community and to ensure that there was appropriate care plan in place that would permit a smooth transition from one level of care to another as the child ages. Also in 2012, the National Office for Seniors and Physically Challenged with the assistance of the International Labour Organisation (ILO) reviewed the process for the employment of persons with disabilities with a view to develop a national strategy. This work is ongoing.

20. Every child has the right to a name and nationality. Under the Immigration and Protection Act 1956 when a child is born in Bermuda to a non-Bermudian parent he/she does not automatically acquire Bermuda status. The nationality of the child is also dependent on the nationality of the non-Bermudian parent. Persons with Bermuda status can have a British Commonwealth Nationality (e.g. one can be a Jamaican but have Bermudian status per the Immigration and Protection Act 1955).

21. The practice in Bermuda is that as soon as the Registrar General receives a notice in respect of a child born alive, he/she sends a form of notice together with an addressed and stamped or franked cover to a parent or the person who has custody of the child. Where a person receives a form of notice as provided by the Registrar General, he/she must complete and sign the form and return it within sixty days of the receipt thereof to the Registrar General at his or her office.

22. Article 8 gives the child a right to preserve his or her identity including his nationality without unlawful interference, and that where such identity has been illegally deprived that state parties shall provide assistance to re-establish his or her identity. The situation with the Uighurs in Bermuda raises the question as to whether the rights of their children to a nationality (as well as other civil liberties and social services) have been unlawfully interfered with where no action has been taken to assist them in obtaining a nationality.

23. Public Access to Information legislation was passed in the Bermuda Legislature in 2010; however, the legislation is not yet fully operational. The current practice continues. That is, any information that is deemed sensitive or may be harmful to the child is not released to the general public. Work continues on data protection legislation.

24. Children have regular access to materials aimed at promoting their over-all well-being and development. Information is regularly disseminated through the daily newspaper which occasionally prints supplements focused directly on young people, their activities and accomplishments. In addition, the Youth Services section of the Bermuda National Library maintains an interactive webpage for young users and hosts regular activities such as boys clubs, girls clubs, books for babies, summer reading programmes, story times as well as seasonal activities such as Father's Day Story-time, all of which are designed to encourage literacy amongst young people.

25. In addition, local schools hold events for both students and parents to promote academic, physical and emotional well-being. A number of community organizations also provide adult and youth mentoring opportunities for school-age children.

Corporal punishment

26. While judicial corporal punishment has been abolished in Bermuda, corporal punishment continues to be legally administered in schools.

27. Rule 24 of the Education Rules 2006 states "(1) Corporal punishment shall not be administered except by the principal or the deputy principal. (2) Corporal punishment shall always be administered in the presence of another staff member as a witness. (3) If the principal authorizes another teacher to administer the punishment then the principal or the deputy principal must witness the punishment. (4) A child shall not receive corporal punishment except at the hands of a member of the same sex unless, in exceptional circumstances, the Commissioner of Education authorizes a female to administer corporal punishment to a male."

Family environment and alternative care

Support to parents and families

28. Efforts are made by several Ministries, such as the Ministry of Community and Cultural Development and the Ministry of Education, to help parents improve their parenting skills and to become more knowledgeable about facets of their children's education. For example, the Ministry of Education posts on its website links for parents to access school curricula and to check on their children's grades and attendance. Further, information is available about free parent training workshops offered through the Child Development Programme.

29. The Cross Ministry Initiative Team was established as a pilot programme in 2006 but transitioned to an established section of the Department of Child and Family Services in March 2008. The section is now known as the Cross Ministry Intervention Team (CMIT).

30. CMIT has progressed into a family intervention programme which works intensively with clients who have demonstrated an inability to independently provide basic needs for their families and/or who have demonstrated poor compliance with the requirements of the existing support systems to provide these basic needs. Clients are provided with counselling, parenting and life-skills training, money management support, access to job development or other skill enhancing interventions – all with the goal of maximizing functioning and to strengthen families.

31. CMIT has implemented evidence-based objective Structured Decision Making assessment tools as part of its intervention in order to effectively assess client/family need, customize intervention to the family and monitor performance. This has allowed the programme to objectively assess family risk for child abuse and/or neglect, identify areas of family strengths and areas of need and to measure the progress of intervention.

32. The Happy Valley Child Care Centre remains the only Government-operated child care centre accommodating children from birth to four years of age. The Government has mandated that priority in admissions be given to children being serviced and referred by helping agencies such as Family Services, Teen Services, Financial Assistance, the Department of Health and the Child Development Programme. These agencies account for 60 per cent of the Centre's intake.

33. The Happy Valley Child Care Centre not only provides childcare, but also provides children with a full nutritional programme including breakfast, lunch and afternoon snack

as well as an array of age appropriate educational and extra circular activities such as gardening, swimming, biking and computers. In 2012, The Centre achieved accreditation by the Bermuda National Standards Committee (BNSC) with no issue and has maintained best practice standards in the area of early childhood education.

Alternative care

34. The Childcare Placement Board emanates from the Children Act 1998. The Board consists of a Chairman, Deputy Chairman, and not less than 7 other persons, appointed annually by the Minister responsible for Family Services. The Board advises the Minister on matters relating to residential childcare, children in Care of the Director and on any matter relating to such bodies on which the Minister seeks the advice of the Board. The Board is also responsible for encouraging and fostering community interest and involvement in residential childcare and the operation of residential homes and other such institutions.

35. The Government provides residential treatment services in a twenty four hour community-based group home setting for adolescents between the age of 12 and 18 years old who are placed in the care of the Director by the Family Court. These adolescents have been deemed to be at risk in the community and require care and/or protection in a safe and structured environment.

36. The Family Council is appointed by the relevant Minister and is mandated to investigate those institutions supporting all areas of family life – from childhood to seniors. It is also mandated to provide recommendations that are solution-focused and address specific areas of concern.

Child Development Programme

37. In partnership with the Department of Health, the Child Development Programme (CDP) within the Ministry of Education provides a range of important early intervention services for children from birth to four years of age and their families. Workers from the CDP visit newborns and their mothers while they are still in hospital to provide information on parenting and community services.

38. In 2012, the CDP engaged in a Memorandum of Understanding (MOU) with several Government helping agencies, including the Department of Child and Family Services, the Department of Financial Assistance, the Bermuda Housing Corporation, the Department of Health, the Department of Court Services, the Department of Corrections, the Department of National Drug Control and the Mirrors Programme in order to increase the numbers of referrals of young children and their families who may be designated "at-risk" for poor learning outcomes or other issues. The MOU has enabled information sharing and has resulted in an additional 30 children being identified by CDP within the past year.

39. The CDP's developmental screening programme is administered, on average, to some 400 children per year. The screening measures cognitive, motor, language, social-emotional and adaptive behaviour skills and is administered by way of child interaction and parent questionnaires. The screenings are used to indicate whether a child is at an appropriate stage of development or if further assessments are required. Developmental screenings are beneficial for all children as their results indicate strengths, weaknesses, and competencies so that parents, service providers and early childhood educators can develop appropriate plans to meet a child's specific developmental and educational needs. Expansion of the current screening period by 6 months (from 30 months to 36 months) is under consideration. This would allow more children to be discovered before aging out of the catchment period of the CDP assessment programme, and would assist in identifying

those children who require interventions to better prepare them for success in school and in life.

Basic health and welfare

40. The Government continues to recognize and endeavours to ensure the right of the child to enjoy the highest attainable standard of health. The Ministry of Health and Seniors strives to improve access to high quality facilities for treatment and rehabilitation.

41. Infant mortality rates in Bermuda remain low, with the main cause of death attributed to peri-natal conditions of severe prematurity. There were no cases of infant deaths reported in 2012. A clear and concise protocol exists for transferring maternal/fetal high risk cases off Island for treatment in the United States or Canada. Every mother and baby is visited within 14 days of discharge from our Bermuda hospital; this begins the process of establishing well-baby assessments and initiatives to every family on the Island.

42. Bermuda's immunization programme administers vaccines for childhood illnesses and other communicable diseases through Government clinics in conjunction with the school system. In 2012 Bermuda recorded a 96 per cent level of immunization coverage of childhood, based on the data available, including that taken from both private sector and Government administered immunizations.

43. Health Education regarding HIV prevention is provided in the schools by Public Health Nurses and the School Nurses. Currently, statistics show that cumulatively the rate for children with congenital HIV disease is 1.33 per cent.

44. Public Health has set aside an entire month for HIV/AIDS awareness and also observes World AIDS Day with a variety of awareness messages such as "Do You Know Your Status?" "Get Tested for HIV". The community has responded by showing less fear of being tested. Testing in the Department of Health and at the KEMH is confidential.

The Psycho-Educational programme

45. The Psycho-Educational programme was developed to focus on children who could not be effectively serviced or treated in Bermuda or those who have exhausted all locally available therapeutic services. As the ability to diagnose various psychological, behavioural and educational problems has improved, more children are being identified with conditions that cannot be managed locally. This programme affords an opportunity to have external input with regard to the therapeutic intervention and aftercare services. Children are sent to various facilities in the United States. It has been identified that it is not cost effective to provide all of the services in Bermuda due to an insufficient client base in each area.

Day care

46. Article 18 (3) requires state parties to ensure that children of working parents have the right to benefit from child-care services for which they are eligible. The Day Care Allowance Programme was launched in October 2008 and operated under the Child Day Care Allowance Act 2008 and the Child Day Care Allowance Regulations 2008 with the objectives of, inter alia, lessening the financial burden of the high cost of day care, enabling parents who were unemployed or underemployed to more fully participate in the workplace and increasing stability within the households, thereby strengthening the family unit.

47. Qualified Bermudians (currently, those making under $55,000 yearly) are able to receive up to $800 monthly per child. In order to receive the allowance, the child(ren) must be between the ages of 0–4 and must not have yet commenced public or private preschool education.

48. The child(ren) enrolled in the programme have an opportunity to be cared for outside of their home in a registered or licensed child day care facility approved by the Department of Health, thereby affording them the privilege of exposure to other children for socialization skills, learning opportunities and preparation for the preschool environment.

49. The Children Amendment Act 2010 strengthened the provisions relating to persons providing day care for children. The amendments included clarifying the licencing procedure and the inspection of day care centres, and for an Order to be made directing a day care provider to cease operating a day care centre or to comply with a decision of the Chief Medical Officer.

50. It was recently noted that although the Department of Financial Assistance encourages recipients of the Child Day Care Allowance Programme to participate in parenting classes/courses via the Child Development Programme, such classes/courses should be made mandatory for identified clients. It has therefore been recommended that an amendment be made to the Child Day Care Allowance Act 2008, that identified recipients of the Child Day Care Allowance Programme who could benefit from involvement in such courses/workshops be mandated to attend in an effort to help them improve their parenting skills. Failure to attend, participate or complete the mandated referral would result in termination of the financial award.

Education, leisure and cultural activities

51. The Ministry of Education provides compulsory education for children generally from the age of 5 through 18 years, in addition to preschool education for children generally aged 4, and early intervention services for children aged 0–4 and their families.

52. The Ministry of Education has recently introduced a research-based, developmentally-appropriate curriculum for young learners. Government preschools are currently increasing its implementation and are using the curriculum to engage parents through preschool to home connections.

The Education Act 1996 and supporting legislation

53. The Education Act 1996 (and supporting legislation) governs public education, provides limited oversight over private school education and limited oversight over tutorial sites. (A tutorial site is an institution other than a school, which has been approved by the Minister of Education to provide preschool, primary school, middle school or senior school education for not more than 15 persons.) A full formal review of the regulatory framework involving internal and external consultation will be commenced no later than early 2014.

54. In order to further ensure that children receive a high quality education, approval has been given for the development of new secondary legislation to improve the registration requirements, oversight and general education, safety and health of public and private schools through changes to the Education (Applications for Registration of Schools) Rules 1987.

55. Approval has also been given for new secondary legislation to improve the registration requirements, oversight and general educational and safety of tutorial sites. Additionally, parents of children who attend tutorial sites or who are educated at home must provide information on their child and their education to the Ministry of Education as part of its responsibilities for oversight of compulsory education.

56. Section 28 of the Education Act 1996 mandates collective worship by students attending public schools, but prohibits collective worship at public schools from being "distinctive of any particular religious group." Currently, the majority of worship is

Christian in nature, in keeping with Bermuda's religious history and heritage. The law also provides for exceptions to the requirement that pupils in public schools engage in collective worship, at least once a week. It gives parents the right to request that their children be excused from such worship and authorizes such pupils to worship elsewhere during the time of collective worship or at another time during school hours.

Amendments to the Bermuda Educators Council Act 2002

57. Amendments to the Bermuda Educators Council Act 2002 are currently under way, requiring that teachers who instruct, support and guide students in Bermuda—whether in public or private settings—are certified by subject or specialization, and by teaching and education level. The planned amendments will mean that educators, paraprofessionals and other service providers (school counsellors, school psychologists, therapists, etc.) will be required to be registered under the Act. Educators will have to meet the requirements relevant to the role that they are performing in schools in order to obtain and maintain educator certification.

Proposed inclusive and special education discussion paper

58. The Government of Bermuda has created a special education discussion paper to address a number of concerns raised about the quality of special education in the public education system. Upon review and consultation, the discussion paper was expanded to involve both inclusive and special education, as per the UNESCO definition of inclusion which involves increasing participation of all learners in the education system, whilst also reducing exclusion from school and marginalization within school. The discussion paper was drafted in the context of the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Jomtien Declaration on Education for All and the Salamanca Statement and Framework for Action. The overall intent is to dramatically improve the provision of universal education for all learners, so that all children receive a high quality education regardless of their race, gender, class, ethnicity, sexuality, religion, background, familial status or connection, upbringing and/or ability, etc.

59. The special education paper will be disseminated to the public in the summer of 2013 and is intended to spark widespread discussion within the community regarding inclusive and special education. Responses to the discussion paper will be used to finalize the proposals and develop the future framework and policy for inclusive and special education.

Education initiatives that are planned or under way

60. The Government of Bermuda has also embarked on a number of initiatives to further improve the delivery of instruction to children. These initiatives include, but are not limited to, the following:

(a) Intensive instruction and related services for students on the autism spectrum was recently introduced in two schools and will be expanded to a third school;

(b) Training was provided on autism spectrum disorder diagnosis and assessment so that licensed psychologists can lead multi-disciplinary teams to assess and diagnose autism spectrum disorders. This will allow children, who previously had to travel overseas or who went undiagnosed to receive a diagnosis locally, and have services provided that better match their needs;

(c) Alternative Education has been introduced to provide tailored and individualized education services to students who, because of behavioural or other challenges, are educated outside of mainstream schools;

(d) The implementation of a service delivery model to teach Braille, orientation and mobility skills to children who are losing their vision has been introduced;

(e) Individual students who attend Bermuda's only special school, the Dame Marjorie Bean Hope Academy, and whose needs can be partially or fully met in regular schools are being partially or fully integrated into regular schools;

(f) A number of non-profit organizations provide one or more of the following to help support students and their families: screenings, assessments, consultation services, direct services, monetary and/or material goods.

61. As part of the effort to improve approaches to early childhood instruction, the Child Development Programme and the Environmental Health Section of the Department of Health will introduce a quick reference guide to help early years professionals monitor healthy child development and identify when a child is at risk of not meeting his or her health and developmental milestones.

Youth and sport

62. The Government offers afterschool programmes in 11 public primary schools to approximately 550 children per week. Such programmes are also offered in three community centres. All afterschool programmes are based on identified principles and are offered at economical rates. When schools are on break, the Government offers summer day camps and seasonal camp programmes at an economical rate to approximately 700 children. The community centres offer additional programmes that support youth, boys and girls clubs, teen programmes, sports and recreation programming, homework support etc.

63. Grants are offered by the Government to youth service agencies that support the positive development of young people. Currently, mentor agencies, experiential education agencies, scouting and girl guides and faith based agencies are amongst those which are supported. Sports grants are delivered to National Sports Governing bodies so that a focus on youth development programmes is maintained. The draft National Youth Policy spearheads delivery of various workshops to the community.

64. Bermuda has limited recreational opportunities because of its size and population density. Thus, the Government offers safe, secure, comfortable and affordable camping venues for local and international youth to use throughout the year.

The Bermuda College

65. Bermuda College (BC), the only tertiary institution on the island, is a comprehensive college offering a variety of academic, technical and professional courses. The 4 divisions (Applied Science and Technology, Business Administration and Hospitality, Liberal Arts; and The Centre for Professional and Career Education) offer programmes leading to associate degrees, diplomas, certificates and professional designations. In fall 2012 the College enrolled 1,207 students. 66. The majority (84 per cent) of students are enrolled in Business and Liberal Arts in equal amounts. Of the remaining students 11 per cent are enrolled in Applied Science and Technology (trades) and 5 per cent in Hospitality. Females make up the majority of the student population (68 per cent) and 75 per cent of the students are part-time students (taking less than 4 courses per semester). The majority of the students are non-traditional (over the age of 25) and are working full-time.

66. Bermuda College has a number of articulation agreements with overseas institutions in Canada, the Caribbean, the United Kingdom and the United States whereby graduates transfer into the third year of a four-year degree programme, or the first year of a three-year programme in the United Kingdom. Examples of subject areas covered by the articulation agreements include: business administration, child and youth studies, building

trades, applied science and technology, science in the culinary arts, electronic technology, social work, science and medicine and education.

67. Beginning in fall 2008 the Government of Bermuda offered free tuition to all qualifying Bermudians. However, as a result of fiscal challenges, in 2010 free tuition was replaced with 50 per cent discounted tuition. To qualify for discounted tuition students must be Bermudian, not hold a bachelor's degree, be enrolled in a credit course approved by the Bermuda College Academic Council, have a GPA of at least 2.00 and be in good academic standing.

68. The Bermuda College is developing a disabilities policy. All campus buildings have had automatic doors installed as part of an ongoing effort to make the campus more physically accessible.

Cultural activities

69. The Government, through the Department of Community and Cultural Affairs, raises awareness of Bermuda's culture, heritage, traditions, and folk-life. Young people are encouraged to participate in or attend festivals, ceremonies and events. Two major festivals, the Bermuda Day Parade and the Gombey Festival, represent prime examples of cultural celebrations in which young Bermudians are heavily involved. Thus the Government makes focused efforts to enrich the cultural lives of children and young people in Bermuda.

70. The Government offers the Youth Internship programme during the summer months to introduce young people between the ages of 15 years and 18 years to the working world. Courses offered that strengthen and develop young people include entrepreneurship for youth, resources for teen girls, parenting and many education developmental courses.

71. The Government has produced a number of DVDs on aspects of Bermuda's cultural heritage and traditions; topics that have been covered include Bee keeping, Farming, Medicinal Uses of Plants, Banana Doll Making, Fitted Dinghy Racing, Bermudian Cuisine, and Gombeys. Copies of these DVDs have been shared with the private and public schools so that teachers may use them as supplementary materials.

72. The Government has also published a number of books on aspects of Bermuda's cultural heritage and folk-life. Such works include ***Bermuda Anthology of Poetry Volume II; I Wish I Could Tell You*** – which featured stories written by high school students; and ***One Little Paw Paw*** – which features songs for primary school students.

Special measures of protection

Childrens Act 1998 – Mandatory Reporting

73. Section 20 of the Childrens Act requires that every person who has information indicating that a child is suffering or has suffered significant harm, shall report that information to the Director of Child and Family Services. School staff such as a principal, teacher, school counsellor, social worker, etc. who in the course of their professional duties have reasonable grounds to suspect that a child is being abused, must report the suspicion to the Director of Child and Family Services along with supporting information.

74. Unfortunately, Bermuda has made very little progress with respect to formal reform of the Juvenile Justice System. The planned revision to the Young Offenders Act 1950 remains a work in progress. This is critical, given the emphasis on long-term rehabilitation through prevention and early intervention.

Parental responsibility

75. Under article 3 (2) of the Convention, States parties undertake to ensure the protection and care of a child for his or her wellbeing, taking into account the rights and duties of his or her parents. Where it appears that a child 10 years of age or over is engaging in anti-social behaviour, the Parental Responsibility Act 2010 provides for a court to make an anti-social order (section 3) after consultation with the Director of Child and Family Services. Where in court proceedings an anti-social order has been made or a child has been convicted of an offence, the court may make a parenting order (section 5) after consultation with the Director of Child and Family Services, in the interest of preventing further anti-social behaviour or the further commission of an offence, or further truancy. Such an order would provide for the parents of the child to attend counselling or guidance sessions.

Young offenders

76. The Department of Court Services has utilized funding to provide referrals to counselling and supportive programmes for the parents of young offenders subject to Probation Orders. This has been beneficial as the parents have learned to support their children and each other. These interventions have been implemented successfully with married couples and parents who are no longer in a relationship with each other. This demonstrates that changing a child's environment could provide the child with the structure and support necessary to reduce that child's offending behaviours.

77. Providing academic support for young offenders is another area of success. The Department has had occasion to enlist the support of private tutors to assist young offenders who experience academic challenges. This has been beneficial in providing young offenders with the educational tools to equip them to commence General Educational Diploma (GED) studies at the local alternative educational sites.

78. Current legislation does not specify an age range for offenders fitted with electronic monitoring devices; there is some discussion as to whether such devices could be utilized legally for young offenders. The use of these devices could reduce the necessity to remove young offenders from their homes whilst their cases are being adjudicated by the Courts.

79. A child who requires supervision must have a conviction recorded against him or her in order to receive the necessary assistance. There is an emphasis on having this remedied to provide child offenders with the same opportunities and benefits as adult offenders. This is even more critical for children as a criminal conviction could significantly hinder their future endeavours such as admission to higher educational institutions or access to employment opportunities or travel overseas.

80. Community Service is another sentencing option that is presently unavailable to children who offend. While this sentence does result in a conviction, it could also expose children to potential work environments and provide them opportunities to develop skills that could equip them for work.

81. Diversion programmes form a critical component to the revision of the Young Offenders Act 1950. These programmes would ensure that children arrested for criminal offences are routed to the programmes and services necessary to stabilize the family as a unit. The benefit of diversion programmes is that they are designed to strengthen the family unit in addition to addressing the needs of the individual child. Successful completion of such programmes would result in no charges proceeding against the child.

Ratification of international human rights instruments

82. Article 21 of the Convention sets out rights of a child where there is a system for adoption. The Adoption of Children Act 2006, and the Rules and Regulations being made under that Act, embodies all of these rights.

83. For example, under section 4 (1) of the Act, the Director of Child and Family Services is responsible for the administration of adoptions in Bermuda. Section 9 imposes various duties on the Director, including a duty to obtain all pertinent information for consideration by the court in a hearing of an application for adoption. The Director must also ensure that parents or guardians are counselled about the effects of giving their consent (Regulation 12), and the time within which consent can be withdrawn (section 26). The Act requires such consent to be freely and voluntarily given (section 18 (2)).

84. The Act also provides for a court to make an order for a child of Bermuda to be transferred overseas for adoption, as well as for a child to be brought into Bermuda for adoption. The Regulations provide for the same safeguards and standards to apply in both cases as they do for a child of Bermuda who is being adopted by a resident of Bermuda. The Act also makes it an offence for a person to give or receive any payment or reward for assisting in or arranging placement of a child for adoption, other than in circumstances permitted by the Act (section 65 (1)).

85. Other rights under the Convention provided for under the Act include article 7 which provides for a child to have a right, as far as possible, to be cared for by his or her parents. The 2006 Act was amended in 2011 to not only facilitate implementation of the Act and the making of Rules and Regulations under the Act, but to increase transparency in the adoption process to ensure that consents are freely given in the case of the adoption of a child to be brought into Bermuda for adoption from another jurisdiction.

86. An amendment was made to provide for a definition of "resident of Bermuda" to ensure that persons applying for an adoption order in Bermuda have sufficient connection with Bermuda for the Director of Child and Family Services to determine their suitability as adoptive parents.88. An amendment was also made to the provision relating to the Adopter's Register (section 6) in respect of persons who may apply for registration but who have been convicted of an offence under section 55 of the Children Act, or who may have persons living in their household who have been convicted of such offences. An amendment was also made to section 11 of the Act making it an offence for a child to be placed overseas without an order of the court.

87. As most adoptions in Bermuda are in respect of children who are from jurisdictions outside Bermuda, amendments were made to strengthen provisions of the Act relating to intercountry adoptions. These amendments included a definition of an approved jurisdiction as a jurisdiction which is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions, provided the country is not listed as a restricted country under an order made under section 9 of the UK's Children and Adoption Act 2006. The 2011 amendment also requires a court order approving the transfer of a child from a jurisdiction outside Bermuda for the purpose of adoption in Bermuda, and the requirement for prior immigration permission for the child to enter Bermuda.

88. Rules and Regulations being made under the Act are at an advanced stage and are expected to come into operation in the near future. It is expected that Bermuda will seek to have the Convention on Intercountry Adoptions extended to Bermuda, however in the interim, the work of the Director of Child and Family Services with respect to intercountry adoptions will be guided by the Regulations which follow as closely as possible the practices set out in that Convention. For example, when dealing with an adoption involving a jurisdiction outside Bermuda, the Director is required to seek the assistance of a public

authority or accredited body of the relevant jurisdiction to ensure that documents required by a court in Bermuda are properly obtained, certified or attested, and forwarded to him. This is to ensure that the adoption process is as transparent as possible, as well as providing greater assurance of the matters presented to the court in determining an application for an adoption order.

89. Article 8 of the Convention on the Rights of the Child provides for respect for the right of a child to preserve his or her identity, and that such right is not interfered with unlawfully. Although an adoption is not an unlawful interference with that right, section 9(1)(c) of the Adoption of Children Act 2006 imposes a duty on the Director of Child and Family Services to preserve for an adopted child information about his biological family. This right is also maintained in respect of the adoption of a child who was brought into Bermuda for adoption (section 47 (3)). Part 6 of the Act ("Openness and Disclosure") provides for an adopted adult or minor to request from the Director information about his or her family and to seek to make contact with a relative, within safeguards provided for all persons affected by such a request. In addition, the Act provides for parents or guardians of a child to enter into a contract with the adoptive parents for continuing contact with the child after an adoption order has been made (section 14).

Abduction

90. The rights of the child for protection against abduction under article 35 of the Convention have been embodied in the International Child Abduction Act 1998.

Relevant Acts

Abolition of Capital and Corporal Punishment Act 1999 (as a penalty by a court for an offence)
Adoption of Children Act 2006
Age of Majority Act 2001
Bermuda Cadet Corps Act 1944
Bermuda Educators Council Act 2002
Child Day Care Allowance Act 2008
Children Act 1998
Criminal Code Act 1907
Domestic Violence (Protection Orders) Act 1997
Education Act 1996
Employment of Children and Young Persons Act 1963
International Child Abduction Act 1998
Maintenance Orders (Reciprocal Enforcement) Act 1974
Minors Act 1950
Obscene Publications Act 1973
Parental Responsibility Act 2010
Registration of (Births and Deaths) Act 1949
Rehabilitation of Offenders Act 1977
Stalking Act 1997
Succession Act 1974
Tobacco Products (Public Health) Act 1987
Treatment of Offenders Board Act 1979
Young Offenders Act 1950

Subsidiary legislation

Adoption of Children Regulations 2013 (not yet in force)
Adoption of Children Rules 2013 (not yet in force)
Day Care Centre Regulations 1999
Education (School Support) Rules 2004
Education (Tutorial Sites) Rules 2013
International Child Abduction (Parties to Convention) Order 1999
Motor Car (Seat Belts) Regulations 2003
Obscene Publications (Classification and Restrictions as to Sale) Regulations 1981
Television Broadcasting Service Regulations 1987

British Virgin Islands

General measures of implementation

1. In the Territory's ongoing effort to strengthen existing legislation governing families, and in particular the protection of children, two new Bills addressing public assistance and child maintenance, as well as custody and access are expected to be tabled in the House of Assembly before the end of this year.

2. The Public Assistance Ordinance includes provisions to meet the basic needs of individuals and families who have meagre or no conceivable means of support. The proposed legislation, when enacted, will replace the existing legislation which has been in existence since 1957. It will include an expanded definition of a dependent as *a person who is financially dependent on his or her guardian and who is:*

(i) *Under the age of sixteen years and not in full-time employment;*

(ii) *Under the age of twenty-one years and is a full-time student at an educational institution, and*

(iii) *Disabled and living in the household of his guardian.*

3. Additionally, the proposed legislation makes provision for the disabled population, including children as it outlines conditions applicable to receive assistance. The proposed legislation also outlines conditions under which a person can appeal the decisions of the Public Assistance Committee.

4. Article 27 of the Convention on the Rights of the Child advocates the right of every child to have a standard of living adequate for the child's physical, mental, spiritual, moral and social development. It identifies the role of parents with respect to providing the necessary living environment which is conducive to the child's development.

5. Article 27 also specifies the role of States parties to "take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad".

6. The draft Maintenance of and Access to Children Bill will make provision for Magistrate to address the issues of maintenance and access jointly. The proposed legislation does not differentiate between children born in or out of wedlock. It also seeks to introduce other intervention methods for failure to comply with the stipulations of maintenance. The alternative of mediation or lesser intrusive measures such as suspension of driver's license and garnishing of wages are provided as the first types of intervention prior to terms of imprisonment. The proposed draft also makes provisions for the enforcement of maintenance orders including those made in foreign countries.

7. In an attempt to improve the Territory's ongoing efforts to enhance child protection measures as outlined in article 19 of the Convention, a draft Child Protection Protocol is being finalised. This Protocol is designed to provide relevant Government agencies with a systematic guideline for coordinated actions in child protection, maltreatment reporting, investigation and management. The document outlines the role of the Social Development Department which has the legal mandate for child care and protection, and the supportive roles of other agencies such as the Judiciary, Magistracy, Police, medical and mental health practitioners, schools, daycare centers, and child residential facilities.

General principles

8. There are a large number of youth organisations or associations in the Territory. With the passage of the Non-Profit Organisations Act, 2012, all existing non-profit organisations are now required to be registered. The list attached as an appendix reflects the current list as provided by the Registrar of Non-Profit Organisations.

Family environment and alternative care

9. Legislative provisions in effect for children in need of care and protection and the conduits available are the foster care programme and institutional care at the Rainbow Children's Home. The aim of the Home is to provide a caring, protective and therapeutic environment which will address the developmental growth and emotional needs of abused, neglected and abandoned children. In recent years, the Territory's first option has been to place children with family members or foster parents in the community.

Basic health and welfare

10. All school aged children receive free medical care at various public health facilities. Comprehensive immunisation in order to enter school is mandated by the Education Act.

11. In 2009, the Ministry of Health and Social Development and the Ministry of Education and Culture, in collaboration with UNICEF, implemented a Health and Family Life Education (HFLE) Programme for all public secondary schools. Training for teachers was conducted in the Interpersonal Relationships and the Sex and Sexuality components of the curriculum. The HFLE Policy was also completed and implemented in the 2010/11 school year.

12. A Youth School Health Survey was conducted in 2012, which provided a holistic assessment of youth health, with emphasis on HIV and sexual and reproductive health to inform the development of targeted interventions and to serve as a baseline.

13. The Territory continues to offer support to parents to assist them in coping with the many challenges with which they are confronted. Parenting seminars have been implemented to provide an avenue for parents to discuss issues, concerns and other matters in a comfortable and confidential environment. Parents are given the opportunity to use other methods of discipline and shown how to engage in effective communication, as well as educated on their legal and parental rights. Other services provided for parents include counselling and assistance with obtaining employment and enrolment in evening classes to complete their high school education. Additionally, provisions are in place to grant eligible parents assistance with payment for day care services.

14. The Virgin Islands Early Intervention Programme aims to serve children from birth through eight years who have significant developmental challenges when compared to their peers of the same age. These challenges include:

(i) If the child is at risk for disabilities or developmental delay through the following criteria – infants and toddlers with medical or biological risk factors;

(ii) Children with identified disabilities, children with developmental delays, children with learning difficulties or social/emotional performance.

15. The Territory continues to raise awareness on the effects of substance abuse. Information is disseminated through oral and interactive presentations annually via school assemblies and school fairs. Information is also provided to local youth groups of civic and

religious affiliations. Addiction counselling services have been strengthened by the introduction and use of evidence based interventions, the development of Second Chances, an adolescent group programme, which makes services accessible for adolescents by treating them at school and in-office.

16. An Autism Centre was opened in 2012 to provide services to children and adults with autism. A selected group of professionals – the Intervention Team, have been trained in various assessment tools and teaching methods for persons with autism and other special needs. Furthermore, the Territory now has two trained professionals who can provide diagnostic assessments for persons in the Territory.

Education, leisure and cultural activities

17. The most recent Education Act came into effect in 2004. The accompanying regulations were not finalised at that time. The Education Regulations are now in final form and will be taken to the House of Assembly for ratification by the end of the year. The Education Act 2004 is also under review with the establishment of Schools Boards seen as an immediate requirement. The Department of Education is at consultation stage on other amendments.

18. The National Gender Policy, 2011 emphasizes the need to establish clear pathways and incentives for education, subsequent occupation, and employment for both sexes in technical and vocational areas in the society. The Policy also advocates the examination of school curricula to ensure an articulated programme of content and delivery on sex education to children and adolescents at primary and secondary levels. In addition, the Policy supports a model framework of afterschool care for children within the public service.

19. The Ministry of Education and Culture is in the process of getting a Youth policy and a Sports policy in place before end of year. The Sports Policy includes the call for the setting up of a national youth council to ensure that the views of the youths are heard and their needs catered to.

Special measures of protection

20. The Domestic Violence Act 2011 places obligation on various persons who come into contact with children as they carry out their profession or duties, to report any case of abuse or ill treatment of a child. Sections 34 and 35 speak to the duty of professionals to report ill-treatment of children to an approved social worker, and how an accused is to be treated in respect of bail, and the restrictions that are to be instituted if that person is granted bail.

Non–profit Organization Registration Board

Approximate listing of NPOs and their subsidiaries targeting youth in the Virgin Islands

No.	*Name*
1	Long Look Full Gospel Sunday School, Inc.
2	Kids And The Sea
3	The British Virgin Islands Branch Association of the Girl Guides Association
4	Caribbean Youth Environment Network
5	Paradise Youth Club
6	Child Evangelism Fellowship of the British Virgin Islands
7	The YEP Foundation
8	The B.V.I. Ski Association
9	The B.V.I. Squash Rackets Association
10	BVI Lawn Tennis Association
11	Special Olympics BVI
12	The (B.V.I.) Little League Association Inc.
13	British Virgin Islands Shotokan Karate Association
14	British Virgin Islands Football Association
15	Tortola Judo Association
16	The British Virgin Islands Softball Association
17	Little Speaker's Touch Youth Empowerment Organisation
18	K'Nesia T'Nique Brathwaite's Network of Hope
19	Duke of Edinburgh BVI
20	Ladies of S.A.S.S.
21	The Methodist Church British Virgin Islands Circuit
	Subsidiaries
	The Valley Girl's Brigade (9th Virgin Islands Company) *East End Girl's Brigade* *Long Look Girl's and Boys Brigade* *Purcell Boy's Brigade* *Purcell Girls Brigade* *Road Town Boy's Brigade* *Road Town Girls Brigade* *Road Town Boy's Brigade Drum Core* *Sea Cows Bay Girl's Brigade*
22	Rotary Club of Road Town
	Subsidiaries
	Interact Club of Road Town *Earlyact Club of Enis Adams Primary School*
23	British Virgin Islands Reading Council
24	BVI Cycling Federation
25	British Virgin Islands Athletics Association
	Subsidiaries
	Sprint Tech Track Club *Top Notch Track Club* *Fast Lane Track Club*

No.	Name
	Fast Lane Jrs
	Raw Skillz Track Club
	Runners Track Club
26	Vikings Sports Club
27	British Virgin Islands Boxing Federation

Cayman Islands

Introduction

1. The United Nations Convention on the Rights of the Child was extended to the Cayman Islands on 7 September 1994 by virtue of the Islands being a British Overseas Territory of the United Kingdom.

2. The purpose of this report is to identify and ascertain the progress of the Cayman Islands in the implementation of the provisions of the Convention since 2006.

The Cayman Islands and its people

3. According to the Economics and Statistics Office of the Cayman Islands Government, in 2012, the estimated population of the Cayman Islands was 56,732.[57]

Review of reservations

4. On ratification of the Convention, the United Kingdom made a number of reservations in respect of itself and the Overseas Territories. In regards to the Cayman Islands, these reservations are still deemed to be necessary.

Chapter I
General principles of implementation
Law and policy

Implementation of the children law (art. 4)

5. On 12 July 2012, the Children Law came into force. The law currently in force is the Children Law (2012 Revision).

6. The underlying principle of this law is that the welfare of the child is of paramount consideration.

7. Some of the features of the law include both private law and public law orders concerning the rights of the child which include the following.

Parental responsibility	ss. 4–6
Appointment of guardians upon death	s. 7
Residence/contact and other private law orders	ss. 10–16
Financial relief	s. 17
Department of children and family services support to children and families	ss. 19 to 21

[57] www.eso.ky – Compendium of Statistics 2013.

Provision of accommodation for children	ss. 22–23
Public Law orders for children in need of care and protection	ss. 24 to 42, 45–54
Appointment of guardians ad litem	ss. 43 to 44
Community homes/voluntary homes	ss. 55 to 66
Foster care	ss. 67 to 71
Child minding and day care	ss. 72 to 79

Status of domestic legislation and its compliance with the convention

8. Over the decades, the Cayman Islands legislature has implemented domestic laws to legally protect the rights and interests of children in Cayman society.

9. This continued commitment is evident in the periodic review of existing laws to ensure that provisions harmful to children are removed and that additional statutory protections are afforded.

Remedies available in cases of violation of rights recognized by the convention

10. The Children Law (2012 Revision) places a statutory duty on a number of professionals within the community to report reasonable suspicion of neglect and abuse. This obligation is set out in PART IIIA of the law, namely sections 32.A to 32E.

11. The list of professionals who are under a duty to report such neglect and abuse include medical practitioners, pharmacists, nurses, dentists, psychologists, police officers, social workers, employees of religious organizations, teaching staff and persons who provide child care services.

12. The Cayman Islands Constitution Order, 2009 introduced for the first time a domestic Bill of Rights under Part 1 of the constitution. All rights under Part 1 extend to children as well as adults and constitutional motions may be brought under O.77A of the Grand Court Rules.

13. However, the following rights are observed as rights specifically seeking to protect the right of children:

- **Treatment of Prisoners** – section 16 (2) segregation of juveniles and adult prisoners;
- **Protection of Children** — section 17 — incorporating fundamental tenets of the Convention on the Rights of the Child. Defining child as a young person under the age of 18 years and establishing the "best interest of the child" principle as the paramount consideration;
- **Education** — section 20 — progressive realization on free primary and secondary education. Every child entitled to be educated et. al.

General measures of implementation

Judicial decisions applying principles of the rights of the child

14. The Cayman Islands courts rule on matters that affect children and as a standard practice they adopt the "*Best Interest of the Child*" principle. This principle is also a constitutional requirement pursuant to section 17 (2) of the Bill of Rights.

Department of children and family services

15. The Department of Children and Family Services (DCFS) is the government agency that has primary responsibility for carrying out the principles of the convention through the services it provides. One of the mandates of the department is to monitor, evaluate and address the social issues concerning children at risk.

16. In carrying out its duties in regards to children's welfare, the Department adheres to best practice and the philosophy that everything must be done in the best interest of the child. The role of the Department as it relates to Children is governed by the Children Law (2012 Revision).

17. Section 19 of the law imposes a duty on the Department to safeguard and promote the welfare of children who are in need; and so far as is consistent with that duty, promote the upbringing of such children by their families.

Department of Education

18. The Education Department is another agency which has a primary role in ensuring children benefit from the principles of the convention. The Education Department's role focuses on the educational and cultural needs of the children and their ability to thrive socially.

19. The best interests of the child are at the centre of the work of the Cayman Islands education service and the effectiveness of schools is measured in terms of outcomes for students.

Other coordinating agencies

20. Other government agencies that provide services that focus on the social and cultural development of the child are the Department of Youth and Sports, the National Youth Commission, the National Gallery, the National Museum and the Cayman National Cultural Foundation and the Cadet Corp to name a few.

Steps taken to ensure effective coordination of activities between agencies

21. When policy issues are being considered that affect the rights of the child, as a practice, government agencies coordinate at various levels. In the development of care plans under the Children law, a multi- disciplinary approach to care planning is required.

Independent body established to promote and protect rights of the child

22. Section 11 of constitution established a Human Rights Commission. The role of the commission is to be a watchdog for the protection of rights of all persons in the Cayman Islands. This includes children. The constitutional powers of the commission include (i) the power to investigate, (ii) provide advice (iii) provide a forum for mediation (iv) issue reports relating to human rights.

Systematic data gathering on children issues

23. Each government department gathers its own data. Disaggregated data in regards to children is collected, stored in a secure manner, and treated confidentially. Disaggregated data is shared only with the child's parents or legal guardian.

Steps undertaken to ensure coordination between economic and social policies

National assessment of living conditions

24. In 2006/2007, the Cayman Islands conducted an exercise to determine the living conditions in the Cayman Islands. A report called the "*Cayman Islands National Assessment on Living Conditions*" was prepared arising out of the assessment. The conclusions of the assessment made the following observations:

(a) An estimated 1.9 percent of individuals live at levels below the poverty line and the Cayman Islands has the lowest rate of estimated poverty in the Commonwealth Caribbean in the present decade;

(b) The indigence line was estimated at CI$1.83 per day, which represented the lowest possible cost of consuming 2,400 kilo calories in the Cayman Islands in 2007. The calculation of this least cost food basket is the basis on which other components can be added in arriving at the poverty line which was estimated as CI$ 10.90 per day or CI$ 3,983 per annum.

(c) In respect of the vulnerability indicators, Cayman performed very well and only 1.9 percent of individuals had poor access to safe water, based on their not having a pipe borne supply. 0.9 percent of the elderly were estimated to be poor. In respect of employment conditions, most of the poor were employed (97.6 per cent);

(d) Although poverty was low in the Cayman Islands, the lot of poor women was likely to be particularly painful, given the segmentation of the labour market that relegated women to a greater percentage of the lower paying employment;

(e) Among the poor and the vulnerable, a large number had no children. The present Immigration Rules carry stringent conditions for immigrants seeking to bring their children to the Cayman Islands;

(f) An important issue is whether poverty is a factor preventing students from getting access to the essential text-books of their syllabus. The SLC showed that in the lowest quintile which included the poor and the vulnerable in the Cayman Islands, only 5.5 per cent had only *some* books or had *none* of the books: 93 percent had books for their exclusive use in the lowest quintile;

(g) Social service agencies involved in the provision of direct assistance from the Government to the students in schools, by and large, provide more support to the lower quintiles than those in the higher quintiles;

(h) While on average 6.8 percent of all students received assistance from the Government, 13.9 percent of those in the lowest quintile received assistance. Generally, the higher the quintile, the lower the percentage likely to have been in receipt of books by way of government assistance;

(i) In respect of educational attainment, of those below the poverty line, 18.8 percent had not passed any examination;

(j) The percentage of males having not passed any examinations was highest in the lowest quintile and lowest in the fifth (highest) quintile. Female labour force participation shows a somewhat similar trend.

25. The data are consistent with studies done elsewhere in the Caribbean; generally, the higher the level of education, the higher the likelihood of an individual being in a higher quintile. Females are more likely to have attained basic and higher levels of educational

qualifications than males. As elsewhere, educational attainment and certified training improved the life chances of the individual in the Cayman Islands.

Steps taken to promote the understanding of the principles and provisions of the convention (art. 42)

Publication and publicizing the Convention and the report

26. There has been no mass publication or publicizing of the Convention or the last Cayman Report and Committee comments in the Cayman Islands.

Involvement of non-governmental organizations in awareness and advocacy campaigns on the Convention

27. Due to the fact that there is no organized initiative to bring about mass awareness of the Convention, NGO participation in this endeavour does not arise.

Reporting obligations of States parties (art. 44)

28. As a British Overseas Territory, the Cayman Islands is committed to continue reporting on the progress of the implementation of the convention through the domestic laws of the Cayman Islands.

29. This report seeks to incorporate the General Guidelines regarding the form and content of periodic reporting to be submitted by States as set out on pages 674 to 688 of the *Implementation Handbook for the Convention on the Rights of the Child* published by UNICEF.

Constraints

30. Absence of a central data base which can be accessed by different agencies.

31. Lack of publicity and public awareness of the convention and its provisions to the public and children specifically.

Recommendations

32. Greater public awareness of the role of the Convention in the protection of the rights of the child.

33. Harmonizing the approach of various agencies and NGOs so that their principal objectives incorporate broadly the aims of the Convention.

Chapter II
Definition of child
Law and policy

Definition of child (art. 1)

34. The Cayman Islands Constitution Order, 2009 defines a "child" as a person under the age of 18. This is a new feature to the constitutional regime of the Cayman Islands and is reflected in section 17 of Part 1 of the Constitution, namely the Bill of Rights.

35. Section 2 of the Children Law (2012 Revision) also defines "child" to mean generally a person under the age of 18.

Age of criminal responsibility

36. The legal age of criminal responsibility is 10 years according to the Penal Code (2010 Revision). However, a child under the age of 14 years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission, the child had capacity to know that he ought to do the act or make the omission.

Sexual consent

37. The age for sexual consent for both boys and girls in the Cayman Islands is 16 years.[58]

38. It is a criminal offence for anyone who makes an indecent assault on a boy under the age of 16. It is also a criminal offence for anyone to unlawfully and carnally know a girl under the age of 16.

Minimum age for marriage

39. The minimum age for marriage under the law is 18 years. This is regulated in the Marriage Law (2010 Revision). However, the law does provide for marriage between the ages of 16 and 18 upon attaining the consent of a parent or guardian. The statute absolutely prohibits a marriage of a person under the age of 16.

Compulsory education

40. Education is compulsory for all children between the ages of 4 years and 9 months and 16 years. Under the Education Law (2010 Revision), there is a statutory duty placed on parents of every child of school age to cause their child to attend a suitable school.[59]

Admission into employment

41. Section 228 of the Penal Code (2010 Revision) prohibits the employment of the children under the age of 10 years. However, there are restrictions placed on the employment of children who are of school age as defined by the Education Law.

42. Persons who employ children outside the provisions of the law are liable to criminal conviction.

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[58] Penal Code (2010 Revision), sections 134 and 145.

[59] Education Law (2010 Revision) sections 13 and 14.

How minimum age of employment relates to age of completion of compulsory schooling

43. Children are allowed to engage in employment prior to completion of compulsory education.

44. Children in the Cayman Islands usually engage in employment to obtain spending money or for social interaction during the summer months. Some children work after school in the local supermarkets as "baggers" during the school term. However, most employment of school age children takes place during the summer months when school is not in session. Children who are near school leaving age are also placed with employers through their schools for the purpose of work experience.

45. Formal work experience programmes with the private sector are also conducted through the schools to ensure that children have sufficient exposure to work place environments prior to leaving school.

46. There appears to be compliance by employers in adhering to the restrictions on child labour. Abuse of child labour does not feature as a significant problem in the Cayman Islands.

Voluntary enlistment into the Armed Forces

47. The Cayman Islands has no armed forces. However, there exists the local police service which has responsibility for maintaining law and order in the Islands. The Royal Cayman Islands Police Service (RCIPS) is governed by the Police Law and the Regulations. The Police Regulation (1996 Revision) stipulates that no person shall be enlisted in the Service unless he is of or above the age of 18 years and under the age of 28 years.

Capital punishment and life imprisonment

48. Capital Punishment is prohibited in the Cayman Islands.

Youth Justice Law (2005 Revision)

49. The First Schedule of the Youth Justice Law governs custodial sentences of young persons including when such juveniles are found guilty of murder or any other offence whereby the sentences are affixed by law as imprisonment for life. Paragraph 2 (1) of the First Schedule states that in the event the young person is found guilty of the offence, the court shall sentence him to imprisonment during Her Majesty's pleasure.

50. Where a young person is found guilty of any other offence before the Grand Court for which a person who has attained the age of 17 would be liable to imprisonment for life, the court shall, if it considers that a custodial sentence would be appropriate, sentence him to imprisonment during Her Majesty's Pleasure – Para. 2 (2).

Penal Code (2010 Revision)

51. Life imprisonment is a form of punishment in the Cayman Islands for class "A" offences such as murder or manslaughter. Class A offences are determined by the Grand Court. Section 23 (1) (b) of the Penal Code states that a person who commits a category A offence after 31 August 2004 and at the time when that offence was committed, he was 18 or over and had been convicted in the Islands of at least one other Category A offence, the court may, in its discretion, sentence the person to imprisonment for life for that second offence.

52. The effect of section 22 (1) (b) is that young persons under the age of 18 years cannot receive a sentence of life imprisonment.

Giving testimony in court in civil or criminal proceedings

Admission of evidence not under oath

53. Section 17 of the Youth Justice Law (2005 Revision) allows a young person who does not understand the nature of an oath to give evidence that is not under oath if, it is in the opinion of the court, the young person is possessed of sufficient intelligence to justify the reception of the evidence; and understands the duty to speak the truth.

54. The evidence of a young person given in this manner, though not given on oath but otherwise reduced into writing, shall be deemed to be a deposition for the purposes of the Youth Justice Law and any other law.[60]

Video recordings of testimony of child witnesses

55. The relevant law is the Evidence Law (2011 Revision). In certain cases, the courts may allow video recordings of an interview between an adult and a child who is not the accused or one of the accused to be admitted into evidence.

56. The application of video recording does not however, preclude the child witness from coming to court and giving evidence. In the event the video recording is admitted into evidence, the child may not be examined in chief as the recording may be deemed as providing adequate testimony. However, the child would be required to respond to cross examination.

Video link evidence

57. Upon the child being cross examined, however, such cross examination does not have to take place in the same room as the defendant. Cross examination may take place by using video link capabilities which is also facilitated under the law.

Equality of status of children

58. The Status of Children Law, 2003 removed the legal inequalities between legitimate and illegitimate children.[61] This law abolished legal distinctions of legitimacy and illegitimacy of other applicable laws in the Cayman Islands.

Legal capacity to inherit

59. The succession laws of the Cayman Islands allow for children to inherit the estate of a deceased person upon the will being probated. In cases where an intestate of a residuary estate leaves issue, then such issue is entitled to a portion of the estate.

60. With the coming into force of The Status of Children Law, 2003, all children of the deceased may benefit from the estate.

Legal capacity to enter into contracts or conduct property transactions

61. Contracts made by persons under the age of 18 years are governed by rules of common law. The general rule at common law is that a contract made by an 'infant (as minors were then called) was voidable at his option.

[60] Youth Justice Law, 2005 Revision, section 17 (1) and (2).

[61] The Status of Children Law, 2003 came into force on June 1, 2004 by The Status of Children Law (Commencement) Order, 2004.

62. This means that the contract would be valid and binding upon the child unless he repudiated it, or within a reasonable time after, the attainment of the age of his majority. Other contracts were voidable in the sense that they were not binding upon the infant unless ratified by him when he reached 21 years of age.[62]

63. At present, the common law position in the Cayman Islands prevails as the implementation of the Contracts Law (1996 Revision) has not altered the position.

Capacity to join or create associations

Minors joining associations

64. Children in the Cayman Islands have a constitutional right to freedom of association through section 12 of the Bill of Rights. There are a number of local and international organizations with youth arms. There are also a number of church, sporting, dance groups and other associations that are geared towards young people.

65. There are also a number of "organizations" that have been implemented statutorily that are child focused. For example, the Cadet Corps was established by the Cadet Corps Law, 2003. One of the functions of this Corps is to attract as cadets young people between the ages of 11 and 19 to instil spiritual, moral, national, and humane values of honesty, justice, discipline, and social responsibility. Boy Scouts and Girls Guides are also instituted under the Boy Scouts and Girl Guides Associations Law (1998 Revision).

Minors permitted to become members of Cooperative Societies

66. The Cooperative Societies Law (2001 Revision) allows infants to become duly admitted as a member of a registered society under the law and such infant shall enjoy all the rights and be subject to all the liabilities of an ordinary member and any contracts made by such person as a member of such society shall be enforceable at law.[63] However, common law rules regarding children and contracts still apply.

67. The law allows a registered society to receive deposits from or from the benefit of minors. It is also lawful for the registered society to pay to minors interest which may become due on such deposits.

Choosing religion or attending religious school teachings

2009 Constitution

68. Section 10 of the Bill of Rights enshrines the right of persons to enjoy freedom of conscience and religion. Persons are not permitted to impose religious instruction on children without the consent of their parent or guardian.

Children Law (2012 Revision)

69. Section 3 (d) of the law requires that the court shall have regard to the religious persuasion of the child when taking into account the welfare of the child.

70. Section 35 (5) of the law also requires that children who are being looked after by the Department or who are in foster care, to be brought up in their own religious persuasion

[62] Cheshire, Fifoot and Furmston's, Law of Contract, Thirteenth Edition, Chapter 13, Capacities of Minors, p. 440.

[63] Cooperative Societies Law (2001 Revision), section 27 – Appendix H.

and thus restricts the Department from bringing them in a religious persuasion other than their own.

Education Law (2010 Revision)

71. Section 27 of the Education Law (2010 Revision) directs that non-denominational religious worship and instruction is provided in every government school.

Consumption of alcohol or controlled substances

72. The sale of liquor in the Cayman Islands is governed by the Liquor Licensing Law (2000 Revision). Under this law, there are a number of restrictions placed on holders of liquor licences with respect to children under the age of 18 years.

73. Some of the restrictions include restrictions on allowing children to be in a bar; employment; sale and consumption of liquor in licensed premises. It is also an offence for a person under the age of 18 to buy or attempt to buy or consume intoxicating liquor or for another person to buy or attempt to by intoxicating liquor for consumption by a person under the age of 18.[64]

Deprivation of liberty

Constitutional limitations

74. Section 5 of the Bill of Rights guarantees personal liberty of the individual which extends to children. Deprivation of liberty must be lawful and proportionate. Section 17 (g) of the Bill of Rights further safeguards the rights of a child to liberty in that children are not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 5 and 22 of the constitution, a child may be detained only for the shortest appropriate period of time, and shall be treated in a manner and kept in conditions that take account of his or her age.

Detention in asylum seeking cases

75. Upon arrival in the Cayman Islands, the Immigration services and social services coordinate efforts to ensure the care and protection of the children who are refugees.

76. Accompanied minors are allowed to be housed with a responsible person in a safe and secure location and not necessarily at the "Immigration Reception Centre".

77. Arrangements must be made for immediate and continued medical attention, including counselling if necessary, clothing, food, water and shelter and for educational and leisure activities suitable for their age.

78. At all times the best interest of the child is to be the primary consideration and where local legislation is lacking, the Cayman Islands employs international best practice.

Arrest and detention of children in the Juvenile Justice System

79. Section 34 of the Police Law states that a child in the custody of the police as an offender should only be detained for a period of 48 hours, after which that child must be charge and taken before a youth court or released on bond or otherwise.

80. Rehabilitation and Detention Centres are registered and are gazetted by the Youth Justice Law (2005 Revision).

[64] Liquor Licensing Law (2000 Revision), sections 21 to 27.

Placement of children in welfare and health institutions

81. There are a number of care institutions established in the Cayman Islands. Most of such institutions are approved statutorily and are run either by government or non-governmental organizations. These institutions are regulated by the Children Law.

82. For over 25 years, foster care by private individuals has also been a means of placement for children who need to be placed in alternative care. These placements are arranged by the Department of Children and Family Services and caregivers are assessed by the Department before placement to ensure suitability.

83. The placement of children who are in need of rehabilitation arising out of a criminal offence are placed in institutions pursuant to orders of the Youth Court under the Youth Justice Law (2005 Revision).

84. With respect to placement in children in health institutions, there are no specific health institutions in the Cayman Islands which care for children on a temporary or permanent basis. Children who present severe mental or physical disabilities, in cases where the family cannot care for them, reside in government run care homes. Services to address their illness are provided by the Health Services Authority.

Lodging complaints/seeking redress before court or other relevant authority without parental consent

85. In proceedings under the Children Law, a child may make applications in his own name. Section 41 of the law allows a child to make an application to have a care order discharged. No parental consent is required in the making of such an application.

86. In such cases, there is provision in the law for a Guardian *ad litem* and/or an attorney to be appointed to represent the child.

87. With respect to general lodging of complaints, there are avenues for children to lodge complaints in the public school setting. In such cases, school counsellors or other staff are involved in assisting the child in notifying the Department of Children and Family Services.

Participating in administrative and judicial proceedings affecting the child

Children Law (2012 Revision)

88. Section 24 (4) of the Children Law requires the Department of Children of Family Services, before making any decision with respect to a child whom it is looking after or proposing to look after, to as reasonably as practicable ascertain the wishes and feelings of the child and other parties affected by the decision of the department.

89. Sections 43 of the law also allows for the appointment of guardians *ad litem* and attorneys to be appointed to represent the views of the child.

Access to information concerning biological family

90. The Adoption Law (2003 Revision) does not address release of information concerning the biological family of an adopted child. The draft legislation called the Adoption Law 2013 also does not address this issue.

Consent to change of name, identity, modification of family relationships

91. Amendments to The Births and Deaths Registration (Amendment) Law 2006 allows for the re-registration of a child where the child's father and mother were not married to each other at the time of the child's birth and no person had been registered as the father of

the child. In such cases, where the child has reached the age of 16 years, written consent of the child is required.[65]

92. With respect to consent to change of name, there are no legislative restrictions on parents who wish to change the names of their minor children. It does not appear as if consent of the minor is required.

93. Under section 15 of the Children Law, a child who is the subject of a residence order shall not be known by a new surname without the consent of each person who has parental responsibility for that child.

Context and implementation

94. The National Drug Council provides public education, awareness, and services to children who are abusers of illicit drugs. It also carries out a national survey on substance abuse in children. For more information visit www.ndc.ky.

95. The Director of Public Prosecution and the RCIPS Family Support Unit work together in meeting the needs of children who are witnesses in criminal cases.

Constraints and recommendations

96. The need for increased public awareness on the Convention and Cayman's compliance thereto.

97. There may need to be review of the laws to protect the changing of children's names without their consent, especially if they are of an age of understanding.

Chapter III
General principles
Law and policy

Non-discrimination (art. 2)

Cayman Islands Constitution

98. Section 16 of the Bill of Rights contains provisions to protect people against discrimination.

99. Pursuant to section 20 of the Bill of Rights, all children are entitled to be educated.

Domestic legislation

Status of Children Law, 2003

100. The implementation of the Status of Children Law is a tangible example of the legislative move to remove discrimination against children born in or outside of wedlock.

101. This law has impacted other laws and has resulted in other legislative changes having to be made to immigration and succession laws. The implementation of the Status of

[65] The Births and Deaths Registration (Amendment) Law, 2006 — Section 52(A)(1) — appendix Z2.

Children's Law has positively impacted the rights of all children as it relates to their citizenship rights and rights to inheritance.

Education Law (2010 Revision)

102. Section 14 of the law places a duty on every parent to ensure their child attends school. This is an additional requirement to the constitutional requirement that all children be educated.

Health Insurance Law (2005 Revision)

103. Health insurance coverage is a compulsory requirement in the Cayman Islands. Therefore, under the law, all children residing in the Cayman Islands are to be covered by some form of health insurance. This requirement is governed by the Health Insurance Law (2011 Revision).

Steps taken to reduce economic, social and geographic disparities

104. The Department of Children and Family Services plays a significant role in carrying out the government's policy of addressing and reducing social, economic, and geographic disparities.

105. The Department provides a range of social support services based on a needs assessment to assist families with dependent children in order to keep families together. Assistance is also provided where needed to assist children to pursue various social programmes which can help to enhance their social development.

106. Under section 19 of the Children Law, the Department is also placed under a duty to promote and safeguard the needs of children and families.

Special measures to eliminate discrimination against girls

Prevention of Gender Discrimination Bill (2010)

107. Release of this legislative bill coincided with the 30th anniversary of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Passage of local legislation will allow the extension of CEDAW to the Cayman Islands.

108. This bill has not yet come into force.

Prevention or elimination of attitudes to and prejudice against children contributing to social or ethnic tension, Racism and Xenophobia

109. All children irrespective of their status are entitled to be educated and to have their needs met by the State if those who have parental responsibility over them cannot meet those needs.

Best interest of the child (art. 3)

Measures taken to Adoption Principle

2009 Constitution

110. The 2009 Constitution espouses in section 17 of the Bill of Rights under the Protection of Children the principle of the "best interest of the child".

Adoption by the Courts

111. The local courts apply the "the best interest of the child" through local judicial judgments. See **In Re Carlson 2000 CILR 138**. Furthermore, section 3 (4) of the Children Law, requires the court in making, varying and discharging orders to have regard to a number of criteria which are identified as the "welfare checklist". This welfare checklist espouses a number of considerations which promote the "best interest of the child" principle.

Principle on Access to Education

112. Section 20 – right to Education in the 2009 Constitution guarantees the right of children to be educated.

Administrative bodies

Department of Children and Family Services

113. As it relates to children and families, the role of the DCFS is governed by the Children Law.

114. The Department adheres to best practice and the philosophy that everything must be done in the best interest of the child.

Legislative bodies

115. Section 17 (2) of Part 1 of the Constitution requires the legislature in implementing any legislation concerning the rights of the child to do so on the basis that the child's best interests are of paramount importance in every matter concerning the child.

Application of Principle in family life, school life and social life

Immigration and asylum seeking

116. The protections of the constitution and the Children Law apply to children in asylum cases.

Adoption

117. The Adoption Law (2003 Revision) governs adoptions in the Cayman Islands. The law creates an Adoption Board that is empowered to review all adoption applications and makes recommendations as to whether adoptions should be approved. In arriving at its decision, the law directs that the Board must determine whether it is in the best interest of the child to be adopted by the applicants.

118. The adoption process is an important process in applying the "best interest of the child" principle in so far as children are recognized to have their own right to family life and if biological parents cannot meet those needs, then the State has an obligation to meet those needs with a non-biological family.

The administration of juvenile justice

Youth Justice Law (2005 Revision)

119. The Youth Justice Law (2005 Revision) is the law that governs juvenile justice in the Cayman Islands. The sections of the law which regulate the protection of welfare of young persons in criminal proceedings are sections 10 to 12 of the law.

120. Section 10 (1) of the law ensures privacy of the juvenile in juvenile justice proceedings and section 12 of the law affords certain protection to youth offenders who are deprived of their liberty upon arrest.

121. Sentencing young persons to custodial sentences is governed by the First Schedule of the law. Paragraph 2 of the schedule prohibits the sentencing of young offenders to life imprisonment and requires the court to issue a custodial sentence at Her Majesty's Pleasure.

122. Before a young person or a child in the juvenile system is sentenced, whether it is a custodial or no-custodial sentence, section 19(2) of the law requires that before a young person can be sentenced, the court shall obtain information as to the young person's circumstances, including any previous offences, background and school and medical records.

Measures taken to ensure necessary protection and care for child taking account of rights and duties of parent and others legally responsible

The Children Law

123. Section 19 of the law places an obligation on the Department of Children and Family Services to safeguard and promote the welfare of children who are in need and to promote upbringing of children by their families.

124. Section 33 of the law through the provision of care and supervision orders protects children from risk of significant harm.

Establishment of standards

Duty of the Court

125. Section 3 of the law requires that where the court determines any question with respect to (a) upbringing of a child or (b) the administration of a child's property, that the child's welfare shall be the court's primary consideration.

126. Section 3 (4) requires that the court in making, varying or discharging of section 10 (private law orders) orders or orders for care and supervision, the court must have regard to the following:

(a) The ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);

(b) His physical, educational and emotional needs;

(c) The likely effect on him of any change in his circumstances;

(d) His age, sex, religious persuasion, background and any characteristic of his which the court considers relevant;

(e) Any harm which he has suffered or is at risk of suffering;

(f) How capable each of his parents and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs; and

(g) The range of powers available to the court under this law in the proceedings in question.

Duties of the Department of Children and Family Services

127. Section 19 of the law requires the department that is looking after any child to safeguard and promote the welfare of the child.

128. Section 22 of the law requires the department to provide accommodation for any child who is in need of such accommodation.

129. Section 32A regulates the process for notification and investigation of abuse.

130. Section 50 of the law requires the department to investigate cases whereby it is reasonably suspected that the child is suffering or is likely to suffer significant harm.

131. Section 68 of the law requires the department to satisfy itself that the welfare of children who are privately fostered within the islands are being satisfactorily safeguarded and promoted. The law also allows for the provision of regulations which would impose requirements which are to be met by the department in carrying out functions under this section.

132. Section 69 also regulates the type of persons that cannot be employed in such institutions as a means of safeguarding the welfare of children.

133. Section 70 of the law allows the Department to assess and prohibit private foster care arrangements.

134. Part X of the law regulates and requires the registration of child minding and day care facilities in the islands.

The right to life, survival and development (art. 6)

The Guarantee of Child's Right to Life

2009 Constitution

135. Section 1 of the Bill of Rights guarantees the right to life. Section 17 of the Bill of Rights also enshrines rights specific to children. These include the following and speak to a child's right to development:

(a) To a name from birth;

(b) To family care or parental care, or to appropriate alternative care when removed from the family environment;

(c) To basic nutrition, shelter, basic health care services and social services;

(d) To be protected from maltreatment, neglect, abuse or degradation;

(e) To be protected from exploitative labour practices;

(f) Not to be required or permitted to perform work or provide services that:

(i) Are inappropriate for a child of that age; or

(ii) Place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;

(g) Not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 5 and 22, the child may be detained only for the shortest appropriate period of time, and shall be treated in a manner and kept in conditions that take account of his or her age;

(h) To have a legal practitioner assigned to the child by the Government, and at public expense, in civil proceedings affecting the child, if substantial injustice would result; and

(i) Not to be used directly in armed conflict, and to be protected in times of armed conflict.

The Children Law (2012 Revision)

136. This law is the principal law concerning the development and welfare of children in the Cayman Islands.

137. The Children Law provides a number of statutory responsibilities to protect the life and development of children. These may be found in the following sections:

- Section 3 – welfare principles to be applied in any order made, varied or discharged by the court;
- Section 19 – duty of department to provide services for children in need;
- Section 32A – duty to report and investigate sexual abuse;
- Section 33 – protection of children who have suffered or are likely to suffer significant harm.

Penal Code (2010 Revision)

138. This code is the primary legislation that criminalizes acts that endanger a child's right to life, survival and development. The relevant sections are:

- Section 198 — **infanticide** — This section makes it an offence for a woman by wilful act or omission to cause the death of a child under the age of one year.
- Sections 199 — **killing an unborn child** — makes it a criminal offence to intentionally destroy the life of an unborn child.
- Section 200 — **Concealing the birth of children** — makes it an offence for a woman to conceal the birth of a delivered child whether the child was dead before or after birth.

Child's right to survival

139. The Penal Code (2010 Revision) also criminalizes certain actions or omissions of those who have parental responsibility over children.

Part VII of the law governs offences relating to children

- Section 224 — **cruelty to children** — makes it a criminal offence to wilfully assault, ill-treat, neglect, abandon or expose a child to suffering or physical or psychological injury.
- Section 225 supplements section 224 in that this section expands on liability for neglecting a child which includes:

  (a) Failure to provide adequate food, clothing, lodging;

  (b) Failure to provide medical treatment;

  (c) Death of a child under three years of age which was caused by deliberate suffocation;

  (d) Allowing a child to be in a room or yard whereby the child can be burned by combustible materials;

  (e) Failure to take reasonable precautions against risk.

140. The Penal Code also criminalizes acts by persons generally for removing persons including children from their environment. Sections 218 to 222 govern offences of kidnapping, abduction, keeping and confining a kidnapped or abducted person and the wrongful confinement of such person.

Death of Child

Coroners Law (1995 Revision)

141. Pursuant to section 4 of the Coroners Law, when a Coroner becomes aware that the dead body of any person is lying within his jurisdiction, and there is reasonable cause to suspect that such person has died either a violent or an unnatural death, or has died a sudden death of which the cause has not been medically determined, or that such person has died in prison, or in such place or in such circumstances as require an inquest to be held in pursuance of any law, the Coroner shall, as soon as practicable, hold an inquest touching the death of such person.

Registration of Births and Deaths Law (1996 Revision)

142. The registration of deaths is governed by the Registration of Births and Deaths Law (1996 Revision).

Children Law (2012 Revision)

143. Paragraph 16 of Schedule 2 of the law regulates the procedure to be applied in the investigation of the death of a child looked after by the Department.

Prevention and monitoring of child suicide

144. There is no significant data available on child suicide in the Islands.

Context and implementation

145. The Cayman Islands is a democratic society committed to the values of equality of treatment. Legislative developments both at a constitutional and domestic level have reinforced this commitment.

146. The Cayman Islands operates a scheme of mandatory health care. Statutorily, all children are to be covered by health insurance. If the needs of children are not met by parents, under the Children Law, the State must meet those needs.

147. Education of children is compulsory in the Cayman Islands.

148. The best interest of the child principle is of paramount importance in all areas concerning the welfare and development of children.

149. All persons that come in contact with the RCIPS will receive the same service irrespective of their religion, races, creeds, colour, or sexual orientation and are treated without any form of discrimination.

Constraints

Department of Children and Family Services

150. Lack of designation of appropriate detention centres.

Recommendations

151. Appropriate funding and facilities to address secure accommodation needs.

Chapter IV
Civil rights and freedoms
Law and policy

Name and nationality (art. 7)

Registration of births

152. The Births and Deaths Registration Law (1996 Revision) requires that every child must be registered upon its birth. Section 11 of the law requires that the mother or father of a child born alive in the Cayman Islands register the child's birth with the General Registry within 42 days of their birth.

153. Section 12 of the law requires that public institutions or private hospitals in which children are born, send a certificate to the Registry giving the particulars required to be registered concerning such birth, and the Registrar shall register the same, if not previously registered.

154. In the case of a new-born child found exposed, (e.g. abandoned), the person finding the child and the person in whose care the child is placed shall provide the Registrar with such information and particulars that they possess to the best of their knowledge and belief, to register the birth of the child within seven (7) days after finding the child.

Nationality

British Overseas Territory Citizens

155. With respect to nationality and citizenship, the Cayman Islands are a British Overseas Territory and its citizens are regarded as British Overseas Territory Citizens (BOTC) pursuant to the British Nationality Act, 1981 and its subsequent amendment.

156. In order to acquire BOTC status, an individual must have lived in the Cayman Islands for a specific period of time continuously and must have a connection to the islands either through birth, residence, or descent.

A child deemed to be "Caymanian as of Right"

157. Children who are "Caymanian as of right" are identified as those children who fall within the categories outlined in section 21 of the law.

158. Normally, a person is deemed to be a Caymanian as of right by virtue of one of his parents being Caymanian by birth or descent or by at least one parent possessing Caymanian Status.

The acquisition of citizenship or the right to be Caymanian by Foreign Nationals

159. The grant of citizenship under the British Nationality Act may be applied for once the individual has been resident in the Cayman Islands for a specified period of time.

"The Grant of Caymanian Status"

160. However, the grant of the right to be Caymanian may also be applied for under the Immigration Law, once the individual has been ordinarily resident in the Cayman Islands for at least a period of 10 years and upon the satisfaction of other criteria.

161. The grant of the right to be Caymanian allows a person the right to live and work in the Cayman Islands without legal restriction and also allows such person to participate in the electoral process if such person is granted BOTC status.

162. The Immigration Law (2012 Revision) provides that children under the age of 18 of parents who have obtained the grant of Caymanian Status/the right to be Caymanian to acquire the same rights by virtue of being dependents of the parent until he or she reaches the age of 18 years.

163. Upon attaining the age of 18 years, the child loses his dependency status upon which time he or she will then have to apply in his or her own right to obtain the grant of Caymanian Status.

Nationality rights in relation to children born out of wedlock

164. With respect to children born outside of wedlock, section 20 (2) of the Immigration Law allows a Caymanian who holds himself out to be the father of an illegitimate child to seek the status or domicile of the child upon satisfying the Board that:

1. He is able to prove to the satisfaction of the Caymanian Status and Permanent Residency Board that he is in fact the father of the child.

2. Pursuant to the Affiliation Law, (1995 Revision), he has been adjudged the putative father of the child; and

3. He has been ordered to pay a weekly sum of money for maintenance and education of the child.

Right to acquire nationality in case of statelessness

165. There are very few cases whereby the issue of statelessness of a child occurs in the Cayman Islands. However, in the event there is such an occurrence, section 20 (1) (e) the Immigration Law (2012 Revision) provides for the grant of Caymanian Status to be granted by the Governor acting on the recommendation of the Permanent Residency and Caymanian Status Board and ratified by the Legislative Assembly.

166. There have been cases where the Department of Children and Family Services advocates for children who may be at risk of being stateless.

167. The challenge of this *ad hoc* procedure is that all children facing this dilemma may not be known by the department.

Preservation of identity (art. 8)

Registration at birth

168. One of the primary measures that have been implemented to preserve the identity of children born in the Cayman Islands is the creation of the Births and Deaths Registry. There are very few, if any, cases in the Cayman Islands whereby children are not born in the resident hospitals and are not registered at birth.

Children born out of wedlock

169. With respect to children born to parents of different nationalities, the laws of the Cayman Islands do not restrict a child born possessing Caymanian Status from acquiring other nationalities as a result of his or her birth or family connections.

170. Children born out of wedlock to mothers who are Caymanian acquire the nationality of their mothers. Likewise, children born out of wedlock to non-Caymanian mothers but to

fathers who are Caymanian may acquire the right to be Caymanian upon the father making an application under the Immigration Law. In order to acquire this right, the father must apply to the Permanent Residency and Caymanian Status Board and prove the criteria established pursuant to section 20 (2) of the Immigration Law.[66]

Parental child abduction

171. Parental child abduction does feature as an existing risk for the loss of child identity. Each year there are a few cases of parental child abduction both to and from the Cayman Islands. The Convention on the Civil Aspects of International Child Abduction, 1980 has been extended to the Cayman Islands by virtue of it being an overseas territory of the United Kingdom. The Convention has been incorporated into the domestic laws of the Cayman Islands by way of Executive Order, namely the Child Abduction and Custody (Cayman Islands) Order, 1997.

172. The Attorney General is the central authority under the Convention and his office administers all applications for return.

Restrictions on Change of Name of a Child

173. The Children Law (2012 Revision) restricts the surname of a child being changed (if that child is the subject of a residence order) unless the consent of all persons having parental responsibility over the child has been given.

Freedom of expression (art. 13)

174. The 2009 Constitution enshrines the right to freedom of expression.

Freedom of thought, conscience and religion (art. 14)

175. The 2009 Constitution enshrines the right to freedom of thought, conscience and religion.

176. The Education Law (1999 Revision) Part VI: 20:1–2 and Part VII: 42: 1–2 and Administrative Handbook 1991 Page 18 (6.1) and the Moral and Religious Education Curriculum speak to article 14 as these documents spell out what is expected of all concerned i.e. parents have the right to request that their child/children be exempted from certain religious activities.

177. The Children Law protects freedom of religion to the extent that a child who is being looked after by the Department shall be brought up in his or her religious persuasion.

Freedom of association and peaceful assembly (art. 15)

178. The 2009 Constitution enshrines the right to freedom of association and peaceful assembly.

Protection of privacy (art. 16)

179. The 2009 Constitution protects the right to private life.

[66] Section 21, Immigration Law, (2006 Revision) – Appendix M.

180. With respect to the right of a child's privacy in judicial proceedings section 10 (2) of the Youth Justice Law regulates the persons that are allowed to be present during a sitting of the Youth Justice Law.

181. Persons allowed to be present in the Youth Court are restricted to officers of the court, parties to cases before the court, their attorneys at law, witnesses, parents, guardians having parental responsibility for the young person concerned, social workers, teachers, and probation officers.

Access to appropriate information (art. 17)

182. Generally, access to information is afforded to all persons in the Cayman Islands.

183. The Cayman Islands now has in force a Freedom of Information Law which allows access to information in the possession of the government.

184. In an attempt to restrict the distribution and sale of particular publications that are deemed to be against public order, sections 53 and 54 of the Penal Code (2005 Revision) allows the Governor to prohibit the importation of publications that he believes is against public order and importation, sale, distribution or reproduction of any such material is a criminal offence.

185. Likewise, section 156 of the Penal Code (2005 Revision) criminalizes any dealings in obscene publications.

186. These statutory provisions are a means used to ensure that inappropriate information is not easily accessible to the public in particular children.

Right not to be subjected to cruel, inhumane or degrading treatment or punishment (art. 37 (a))

187. The 2009 Constitution enshrines the protection against cruel, inhumane or degrading treatment or punishment.

188. Part VII of the Penal Code (2010 Revision) establishes offences relating to children. Under this section, it is unlawful for anyone who has attained the age of 16 and who has responsibility for a child to wilfully assault, ill-treat, neglect, abandon or expose the child in a manner that would cause him unnecessary harm – section 224 (1) of the law is referenced.

189. Section 225 (1) of the law goes on to establish criteria in which a person who has responsibility for a child would be deemed to have neglected or caused a child's ill health.

190. Part VII of the Penal Code also makes it an offence to make a child carry out inhumane and degrading activities in the form of begging or receiving alms, or inducing the giving of alms whether there is any pretence of singing, playing, performing, offering anything for sale or otherwise.

191. Section 227 of Part VII also governs restrictions on employment of children which has been broken down into specific detail in Chapter 2 of this Report.

Context and implementation

192. The Cayman Islands has in place appropriate procedures to preserve identity of children.

193. The curricula of schools regulated by the Education Law ensure the promotion of literacy, access to information and cultural exposure in education.

194. There exist a number of social clubs which allow children to express themselves in various ways.

195. Radio Cayman has a weekly teen show called "Youth Flex" funded by the Ministry of Youth Affairs to encourage freedom of expression of teenagers.

196. Freedom of thought, conscience and religion is enshrined constitutionally in the Cayman Islands.

197. Freedom of association and peaceful assembly is constitutionally enshrined.

198. Measures are in place with respect to freedom of information laws and court procedures to protect the privacy of children.

199. The Cayman Islands through education, media provides children to access appropriate information. There are also statutory restrictions on harmful information that may be conveyed to children.

200. The right not to be subjected to torture, cruel or inhumane or degrading treatment is a constitutional protection afforded to all children. The Children Law also introduces measures to protect children against such treatment and there are appropriate penal provisions to punish persons who may subject children to activities that offend this right.

Constraints

201. None identified.

Recommendations

202. None identified.

Chapter V
Family environment and alternative care
Law and policy

Parental guidance (art. 5); parental responsibilities (art. 18, paras. 1–2)

203. Both traditional and non-traditional family structures exist in the Cayman Islands. Parental guidance is not legislated; however, it is expected that parental guidance should be provided by the persons having parental responsibility for the child.

204. The Children Law (2012 Revision) codifies the common law position regarding parental responsibility of children born within a marriage and establishes and regulates parental responsibility in other relationships.

Separation from parents (art. 9)

205. Section 19 of the Children Law places an obligation on the Department of Children and Family Services to promote the upbringing of children by their families.

206. The decision to separate a child from his or her parents is made only in circumstances where the child is at significant risk of harm as set out in the Children Law. Children may only be removed from the care of their families pursuant to court orders under that law.

Family reunification (art. 10)

Freedom of entry into islands

Immigration Law and Policies

207. The Immigration Law permits freedom of entry into the Cayman Islands.

Parental contact when one parent is overseas

208. The practice in the Cayman Islands is that if one parent of a child is overseas and the parents are no longer married, the courts of the Cayman Islands make orders regarding access.

209. The Children Law also allows for contact orders to be made in favour of persons who have parental responsibility over children.

Illicit transfer and non-return (art. 11)

210. The practice of illicit transfer and non-return of children does not feature as a real concern in the Cayman Islands.

211. Parental child abduction is processed by the Attorney General who is the central authority under the Hague Convention on the Civil Aspects of International Child Abduction, 1980.

212. With respect to addressing domestic cases of abduction, sections 218 and 219 of the Penal Code (2010 Revision) covers the offences of kidnapping and abduction. The offence of kidnapping includes the taking or enticing of any person under the age of 16 years from the keeping of their lawful guardian without the consent of their guardian. The offence of abduction occurs where any person is compelled by force or induced by any deceitful means, to go from any place.

213. The Cayman Islands also has in place legislation to address issues of human trafficking – Trafficking in Persons (Prevention and Suppression) Law 2007.

Recovery of maintenance for the child (art. 27, para. 4)

214. The Children Law (2012 Revision) allows for the recovery of maintenance for children.

Children deprived of their family environment (art. 20)

215. The Department of Children and Family Services has set policies regarding children who are in need of care and protection and who require to be placed in an alternative family setting. Policies include:

(a) Identifying children for foster care;

(b) The referral process;

(c) Determining appropriate placements;

(d) Preparing the child and the natural family with respect to the alternative placement;

(e) Child's introduction to foster parents;

(f) Child's contact with natural family and friends;

(g) Review and court hearings;

(h) Continued Supervision; and

(i) The termination of foster care placements.

Permanent alternative care

216. The policy of the Department of Children and Family Services is that where all measures have been exhausted and where it appears that family reunification is not possible having regards to the best interest of the child, the Department will take necessary steps through the Adoption and Foster Care Coordinator to seek adoption for the child.

Adoption (art. 21)

217. Adoption of children in the Cayman Islands is governed by the Adoption Law (2003 Revision). All adoptions in the Cayman Islands are coordinated through the Adoption and Foster Care Coordinator. The Adoption Law establishes an Adoption Board which is responsible for making arrangements for the adoption of children as prescribed in the law.

218. Pursuant to section 7 of the law, the Board will only grant an adoption where it is of the opinion that it is in the "best interest of the child". If the application is approved, the matter is then referred to the Judge of the Grand Court of the Cayman Islands whereby an adoption order may be made.

219. Section 4 of the law also prohibits private adoptions in the Cayman Islands.

220. Under section 14 (2) of the law, the court may, with the consent of the child's parent or guardian and its prospective adoptive parents, include in an adoption order a condition that the natural parent be allowed access to the child on terms agreed by all parties (**Re C (a minor), [1988] 1 All E.R. 705** followed), especially if an existing relationship between the natural and adoptive parents is likely to make access a natural and mutually desirable event.

221. Pursuant to section 23 of the law, a licence is required from the court to send a child from the Cayman Islands abroad for the purpose of adoption. Only citizens of Commonwealth countries, the United States of America and Switzerland are permitted to adopt a child from the Cayman Islands.

222. An Adoption Law (2013 Revision) has been passed but has not yet come into force.

Periodic review of placement (art. 25)

Procedures of the Children Law (2012 Revision)

223. Section 28 of the law provides for the making of regulations requiring the case of each child being looked after by the Department of Children and Family Services to be reviewed and sets out guidelines as to the manner in which each case should be reviewed, the considerations to which the DCFS should have regard in reviewing each case, and the frequency of subsequent reviews. These regulations may also require the Department to

seek the views of the child, the parents of the child or any person having parental responsibility for the child or whose views the Department considers relevant. Regulations to the Children Law are to be drafted in the near future.

224. The placement of children who are the subject of interim care orders are subject to new applications every four weeks (see section 40).

225. Care plans are also periodically reviewed which incorporate the review of placements.

Abuse and neglect, including physical and psychological recovery and social reintegration (art. 39)

The Children Law

226. Section 32A places an obligation of notification of sexual abuse on prescribed classes of persons and places a duty on the Department of Children and Family Services to investigate abuse in children.

227. Part V of the Children Law contains sections devoted to the Protection of Children.

228. Section 45 provides for the making of child assessment orders by the court where it is satisfied that:

1. The DCFS has reasonable cause to suspect that the child is suffering or is likely to suffer significant harm;

2. An assessment of the state of the child's health and development or of the way in which he has been treated, is required to enable the Department to determine whether or not the child is suffering, or is likely to suffer significant harm; and

3. It is unlikely that such an assessment will be made or be satisfactory in the absence of a court order.

229. The court may treat an application under this section as an emergency protection order.

230. An emergency protection order may be granted by the court where there is reasonable cause to believe that the child will suffer significant harm if he is not removed to accommodation provided by the Department or if he does not remain in the place where he is currently being accommodated. The court must also be satisfied that enquiries are being made with respect to the child and these enquiries are being frustrated by access to the child being unreasonably refused to a person authorized by the DCFS to seek access to the child as a matter of urgency.

231. The effect of an emergency protection order is that it operates as a direction to any person concerned, to comply with any request to produce the child to the DCFS. Such an order also gives the DCFS parental responsibility for the child and authorizes the Department to make decisions concerning the accommodation of the child and the removal of the child from such accommodation or any hospital.

232. The DCFS has a duty to investigate when it has reasonable cause to suspect that a child, who is in the Islands, is suffering or likely to suffer significant harm.

233. Where the Department has obtained an emergency protection order with respect to the child, it must make the necessary enquiries to determine what actions are necessary to safeguard or promote the child's welfare.

234. However, the DCFS should only exercise its powers under the law, as is reasonably required to safeguard or promote the welfare of the child.

Psychological recovery and reintegration

235. Children who suffer from parental neglect may have their physical needs satisfied by the Department of Children and Family Services.

236. Children who suffer from abuse have access to counselling.

237. Facilities to address drug rehabilitation in youth are limited and children who cannot obtain rehabilitation in an open setting do not have access to secure accommodation to do so. The department of Counselling and the National Drug Council also offer drug counselling to children.

Context and implementation

238. The Department of Children and Family Services is the department with responsibility for responding to the social needs of children and families who require assistance.

239. The Department has a duty to safeguard and promote the welfare of children who are in need and to promote the upbringing of these children by their families by providing a range and level of services appropriate to those children's needs.

240. The Children Law governs the placement of children in alternative or temporary care.

241. The Adoption Law allows for the freeing of children who cannot be looked after by their families.

242. The Children Law governs contact with those who have parental responsibility.

243. The Cayman Islands has had extended to it the Convention on the Civil Aspects of International Child Abduction, 1980 to facilitate the return of children who have been illicitly removed from the jurisdiction.

244. Recovery of maintenance is governed by the Children Law.

Constraints

245. Inadequate facilities to holistically meet the needs of children in need of care and protection.

Recommendations

246. The need for appropriate facilities to meet the needs of children in need of care and protection.

Chapter VI
Basic health and welfare
Law and policy

Disabled children (art. 23)

247. The Education Law (2010 Revision) does not contain specific provisions which address special educational needs of children. As a result, the Special Education Needs Policy is often used as the primary source of providing guidelines for the implementation of services.

248. The 2009 Constitution, entitles all children to receive an education and such entitlement extends to children with disabilities and requires the State to provide basic healthcare and social services to children (see sections 17 and 20).

Health and health services (art. 24)

249. Section 17 of the Constitution requires that the State shall provide basic healthcare and social services to children.

250. Children in the Cayman Islands also receive basic health care protection through the school system.

Social security and child care services and facilities (arts. 26, 18, para. 3)

251. The Department of Children and Family Services is the department responsible for providing services to children and families in the Cayman Islands. Assistance is given to persons in genuine need and to children who are identified to require specific assistance to meet their physical and social needs.

Standard of living (art. 27, paras. 1–3)

252. The Department of Children and Family Services has developed a number of social programmes to address social and economic disparity in the Cayman Islands.

Context and implementation

253. Children with special needs are assessed through, and have access to, specialist educational support.

254. The Ministry of Health has responsibility for the oversight and regulation of health care services within the Cayman Islands. Health care is provided by both the Health Services Authority (a Crown Corporation), and the private sector.[67]

255. School health services are made available to all students regardless of race, gender or nationality.

[67] Health Services Authority CRC Agency Report.

256. The services provided include:

- Evaluating students illness/trauma and medical emergencies;
- Administering medication;
- Providing nursing care for students with special needs;
- Conducting complete physical assessment for school children;
- Special routine screening test;
- Disease surveillance;
- Health education;
- Liaison between educational and medical personnel and making appropriate referrals;
- Administration of immunization to special groups;

257. Section 19 of the Children Law requires the Department of Children and Family Services to safeguard the needs of children in the Islands. The Department of Children and Family Services renders social assistance in many ways.

Constraints

258. Lack of legislation protecting the rights of disabled children.

Recommendations

259. Introduction of holistic disability legislation to address the issues affecting disabled persons which include children.

Chapter VII
Leisure and education
Law and policy

Aims of education (art. 29)

Free and compulsory education

260. The Education Law (2010 Revision) provides for free compulsory education for all Caymanian children in the Islands of school age. Non-Caymanian children of school age, who are legally resident in the Cayman Islands, are eligible for admission to government schools but are required to pay a tuition fee. In the Government school system, education is provided at the public expense to children from four years and nine months.

261. The Cayman Islands through the Bill of Rights has committed to the aspirational realization of free education for all primary and secondary age students. See section 20 of Part 1.

Curriculum

262. Section 33 of the law governs the standard of education to be attained by all schools, public and private. Such standards include curriculum. Regulation of standards is governed by the Schools Inspectorate.

263. Section 13 of the law also requires that every school shall provide at least 22 hours of secular instruction each week to pupils for at least 28 calendar weeks in every school year.

Mission statement for Ministry of Education, Education Department and schools

264. The mission statement of the education services in the Cayman Islands enshrines the philosophy of promoting and ensuring the rights of each child. This statement was crafted and reviewed in 1999 to secure relevance in keeping with Cayman's rapid economic growth and changing multifaceted community.

265. The objectives of the education system in promoting the development of the child with respect to the child's personality, talents, and mental and physical abilities are to some extent carried out by the Curriculum.

266. The Education policies in the Cayman Islands have undergone a number of reviews since 2006.

267. Some of the relevant policy documents that promote the inclusion of this principle of the convention in the life of the child are as follows:

- National Curriculum (Social Studies, Citizenship and Human Rights Education) Moral and Religious Education curriculum;
- Education Law (2010 Revision);
- Life Skills/Lions Quest Skills for Growth, Adolescence and Action;
- Education Curriculum, School Health Policy.

Education including vocational training and guidance (art. 28)

Right of the child to access education and enrolment

268. The Education Law (2010 Revision) provides for the general access of education. Education is free for Caymanians and those possessing Caymanian Status from primary through to secondary level.

269. All children in the Cayman Islands are required by law to be educated and such requirement is also a constitutional requirement under the Bill of Rights.

Leisure, recreation and cultural activities (art. 31)

270. The approved curricula of schools include components which allow for recreation and cultural activities for children.

Context and implementation

271. Disabled children may receive education through the Light House School. Children with special needs may receive assistance through their own schools.

272. One of the primary ways in which the Education Department fosters cultural development is through the annual National Children's Festival of the Arts (NCFA). The NCFA is the vehicle through which the creative talents of all government and private school age children in Grand Cayman, Cayman Brac and Little Cayman is displayed. Children participate in vocal music, instrumental music, speech, drama, dance, creative writing, and arts and crafts.

Chapter VIII
Special protection
Law and policy

A. Children in situations of emergency

Refugee children (art. 22)

Legal protection for refugee children seeking asylum

Immigration Law (2012 Revision)

273. Refugee children who land in any of the islands of the Cayman Islands may seek asylum status and humanitarian protections in accordance with the Immigration Law (2012 Revision).

274. Part VII of the Immigration Law (2012 Revision) governs applications for asylum in the Cayman Islands. The law specifically allows for an unaccompanied minor to be eligible to apply for asylum.

275. Additionally, a person whose asylum application was successful and has obtained the right to remain indefinitely in the islands and has been granted the right to work may also apply for asylum for his dependent children under the age of 18 who are with him in the islands.

Children in armed conflicts including physical and psychological recovery and social reintegration (art. 22)

276. The Cayman Islands is a dependency of the United Kingdom and is considered a relatively peaceful society. The islands have not experienced civil or social unrest or anything remotely similar to armed conflict.

277. Whilst the possibility of this issue presenting itself is not impossible, implementation of measures of protection under this heading has not been viewed as applicable or a priority in the Cayman Islands.

278. The Police Regulations stipulate that no person shall be enlisted in the Service unless he is of or above the age of 18 years and under the age of 28 years. In light of this legislation, it seems highly unlikely that children would be enlisted in armed forces if such a situation was to present itself.

B. Children involved with the system of administration of juvenile courts

The administration of juvenile justice (art. 40)

279. The juvenile justice system of the Cayman Islands is governed by the Youth Justice Law (2005 Revision).

The Youth Justice Law (2005 Revision)

280. The Youth Justice Law (2005 Revision) is the law that governs the establishment of the Youth Court. The Youth Court is presided over by a sole magistrate. The jurisdiction of this court is to administer justice as it relates to young offenders who commit criminal offences or who are beyond parental control.

281. The Youth Court is empowered to hear charges that have been laid against a young person and to determine their guilt or innocence. In cases where a young person is found to be guilty, the Youth Court is empowered to hand down a number of orders.

Criminal responsibility

Children under the age of 10 years

282. Children under the age of 10 years cannot be held criminally responsible for any act or omission as stipulated in section 12 (1) of the Penal Code.

Children under the age of 14 years

283. Section 12 (2) of the Penal Code states that a child under the age of 14 years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission, he had capacity to know that he ought not to do the act or make the omission.

Male child under 12 years presumed not to have carnal knowledge

284. Section 12 (3) of the law states that a male person under the age of 12 years is presumed to be incapable of having carnal knowledge.

Protection of welfare of young persons under the Youth Justice Law

Sitting of the Youth Court

285. Section 10 of the Youth Justice Law governs the protection of welfare of young persons in criminal courts. Section 10 (1) of the law allows for the Youth Court to sit as often as may be necessary for the purpose of exercising its jurisdiction.

286. The ability for the Youth Court to sit when necessary facilitates the need to bring young persons before the court as soon as possible, especially in circumstances where they have been arrested for being suspected of committing offences or where the young person is deemed to be at immediate risk.

Presumption of innocence

287. The judicial system of the Cayman Islands is based on the Common Law established in the United Kingdom. One of the foundation principles of criminal law is that a defendant is innocent until guilt is established. The burden of proof in establishing such guilt is placed on the prosecution. The standard of proof in establishing guilt is the test of beyond a reasonable doubt. The general rules of criminal procedure are the same in cases that come before the Youth Court.

288. The Criminal Procedure Code (2010 Revision) enhances the Youth Justice Law by not limiting the powers conferred on any court under the Probation of Offenders Law (1999 Revision) or with respect to young persons under the Youth Justice Law (2005 Revision).

289. In addition to not limiting the powers conferred on any court in relation to young offenders, the Criminal Procedure Code (2005 Revision) stipulated that a Summary Court

with respect to proceedings or applications in connection with young persons (as defined by the Youth Justice Law (2005 Revision)) is the same as the Summary Court under that law.

Preservation of dignity and worth of young offenders

290. In an effort to preserve the dignity and worth of young offenders and protect them in criminal proceedings, the Youth Justice Law contains specific provisions to address such protections.

291. Section 11 (1) of the law requires the Commissioner of Police wherever practicable to separate young persons from associating with an adult who is not a relative or other person having parental responsibility. The section also provides for the protection of girls in that a young person who is a girl should be at the protection of a woman.

292. Section 12 (1) of the law also seeks to preserve and protect the dignity and worth of young persons by placing restrictions on the reporting of cases that concern young persons.

293. Section 12 (1) states that in relation to proceedings in any court, the court may direct that no published report of or comment on the proceedings shall reveal the name, address or school or include any particulars calculated to lead to the identification of any young person concerned in the proceedings. The section also provides that no picture of the young person shall be published and that any person who contravenes this section of the law is guilty of an offence and liable upon summary conviction to a fine of five thousand dollars or six months imprisonment.

Bill of Rights

294. Children in the Cayman Islands are afforded the same rights as other persons under the Bill of Rights. This includes their rights as being treated as prisoners, rights to fair trial and right against unlawful deprivation of liberty.

Matter determined before a judicial body in a fair hearing and in the presence of legal or other assistance

295. Where a young person is charged with an offence or is brought before any court, section 13 of the Youth Justice Law states that the court shall require a person who is a parent of the young person, or a guardian, or other person who has parental responsibility to attend court during all stages of the proceedings.

296. The Youth Court guarantees a fair hearing where a young person who is not legally represented is charged before a court, it shall ascertain his defence, if any, to assist him and his parents, guardian or other person having parental responsibility for him in putting such questions to any witness as appears to the court to be necessary.[68] Juveniles, however, have access to legal aid for serious offences.

Guarantees in the juvenile justice system

Child offender right not to incriminate himself

297. Rules of common law apply in that a defendant has no obligation to give evidence. The same rule applies to children.

[68] Youth Justice Law, section 18 (2), Appendix Z.

Privacy of proceedings

298. This provision also facilitates the speedy conclusion of youth matters to avoid cases remaining before the courts for long periods of time. Section 10 (2) of the Youth Justice Law regulates the persons who are allowed to be present during a sitting of the Youth Justice Law.

299. The proceedings of a Youth Court are closed to the general public; persons allowed to be present in the Youth Court are restricted to officers of the court, parties to cases before the court, their attorneys at law, witnesses, parents, guardians having parental responsibility for the young person concerned, social workers, teachers, and probation officers.

Variety of judicial orders and sentences

300. The Youth Justice Law (2005 Revision) also provides the court with the jurisdiction to make a number of orders in relation to children who are charged with offences or who are considered beyond parental control.

301. The sentencing of young persons is governed by Part III. The orders that may be made range from community services orders, absolute or conditional discharge, orders under the Mental Health Law (1997 Revision), probation orders, youth rehabilitation orders requiring a young person to attend a rehabilitation school or custodial sentences.

302. Orders under the Children Law may also be appropriate for children who are beyond parental control.

Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial setting in the administration of juvenile justice (art. 37 (b–d))

303. Detention Centres are registered and gazetted under the Youth Justice Law (2005 Revision).

304. Section 34 of the Police Law states that a child in the custody of the police as an offender should only be detained for a period of 48 hours after which that child must be charged and taken before a youth court or released on bond or otherwise.

The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

305. Capital Punishment is abolished in the Cayman Islands.

Youth Justice Law (2005 Revision)

306. The First Schedule of the Youth Justice Law governs custodial sentences of young persons including when such juveniles are found guilty of murder or any other offence whereby the sentence is affixed by law as imprisonment for life. Paragraph 2 (1) of the First Schedule states that in the event a young person is found guilty of an offence, the court shall sentence him to imprisonment during Her Majesty's Pleasure.

307. Where a young person is found guilty of any other offence before the Grand Court for which a person who has attained the age of 17 would be liable to imprisonment for life, the court shall, if it considers that a custodial sentence would be appropriate, sentence him to imprisonment during Her Majesty's Pleasure – Paragraph 2 (2).

The Penal Code (2010 Revision)

308. Life imprisonment is a form of punishment in the Cayman Islands for Class "A" offences such as murder or manslaughter. Class "A" offences are heard by the Grand Court of the Cayman Islands. Section 23(1) (b) of the Penal Code states that a person who commits a category "A" offence after 31August 2004 and at the time when that offence was committed, he was 18 or over and had been convicted in the Islands of at least one other Category "A" offence, the court may in its discretion sentence the person to imprisonment for life for that second offence.

309. The effect of section 23(1) (b) is that young persons under the age of 18 years in law cannot receive a sentence of life imprisonment.

C. Children in situations of exploitation including physical and psychological recovery and social integration

Economic exploitation of children, including child labour (art. 32)

310. Economic exploitation of children through labour does arise as a significant problem in the Cayman Islands. Restrictions on child labour are governed by the Labour Law.

Drug abuse (art. 33)

The National Drug Council

311. The National Drug Counsel "NDC" was set up in law by the National Drug Council Law (2003 Revision). The law sets out its functions as inter alia to formulate policies and develop programmes to prevent or reduce drug abuse, coordinate the treatment and rehabilitation of drug abusers; to promote and encourage the implementation of such policies and programmes.

312. The NDC produces an annual report in which the extent and patterns of alcohol and other drug use among students in years/grades 7–12 are described. The NDC has through the Ministry of Education's approval has permission to survey students years/grades 7–12 from every public and private high school in the Cayman Islands. Information on the work of the NDC may be found at www.ndc.ky.

Sexual exploitation and sexual abuse (art. 34)

313. Sexual abuse and sexual exploitation has been criminalized in the Penal Code (2010 Revision).

314. Section 134 of the Penal Code makes it an offence for anyone to carnally or unlawfully know any girl under the age of 12 years; or knows any girl between the ages of 12 and 16 years.

315. Section 136 of the Penal Code makes it an offence to procure or attempt to procure any woman or girl to become a prostitute within the Islands or elsewhere, or to leave their home to become an inmate of or to frequent a brothel.

316. Section 139 of the Penal Code makes it an offence for a male to knowingly live on the proceeds of prostitution, either wholly or partly.

317. Section 140 of the Penal Code makes it an offence for a place to be kept for the purpose of prostitution.

318. Section 157 of the Penal Code prohibits obscene publications, namely one or more disseminating obscene writing, drawings, prints, paintings, printed matter, pictures, posters, emblems, photos, cinematograph films, discs, tapes or any other obscene objects tending to corrupt morals. The section also prohibits using such material to carry on business, prohibits distribution, advertising or making publicly known, circulating, trafficking, etc.

319. Child pornography: The Penal Code (Amendment) Law, 2012 introduced provisions concerning child pornography. Sections 228A to D create a number of offences concerning child pornography, including the possession, computer storage, publication and engaging in the activity of child pornography.

Context and implementation

320. The protection of children in refugee cases provide for a multi-agency approach involving immigration, social services and education services. Persons who are involved with children in the juvenile justice system are trained in their respective areas of expertise. With the introduction of the Children Law, all professionals in public agencies underwent training in January 2013 to understand the focus of the law which falls under the principles of the child's best interest and the child's welfare.

321. Constitutional guarantees exist for children who are subject to the juvenile system:

- Right to fair trial;
- Right to no punishment without law;
- Protection against deprivation of liberty;
- Treatment of prisoners;
- Protection against inhuman and degrading treatment.

322. The National Drug Council has sought to educate the youth through questionnaires and educational awareness campaigns. The questionnaires provide the Council with statistical information on the types of drugs being abused and the ages at which the abuse begins. The National Drug Council surveys and monitors the drug use of students for the following reasons:

- Adolescents are at a pivotal stage in their development and adverse effects of drug use could lead to other problems later. Intervention at this stage is necessary;
- Due to the scientific basis of the survey, the data provided can either confirm or challenge anecdotal and media reports regarding the nature of drug use and its consequences. Thus, the results of the survey can inform the public and challenge myths;
- If conducted regularly (every two years) the survey will provide a basis for programme and policy evaluations of goals established by the government and non-governmental agencies.

323. The Cayman Islands Student Drug Use Survey "CISDUS" questionnaire was based on an extensive development process, including international and national expert review, expert content review, and student debriefing pilot studies.

324. The CIDUS 2010 survey revealed that 32 per cent of children surveyed reported drinking at least once the two weeks before the survey. Drinking was equal amongst the sexes and increased with school grade levels. With respect to drugs other than ganja, the

most prevalent drug was inhalants followed by donkey weed and tranquilizers. The annual prevalence of drug use was reported at 9 per cent and females were 10.2 per cent more likely than males (8.2 per cent) to report illicit drug use. With respect to ganja use, the survey reported that 1/10 students consumed ganja at least once in the year prior to the survey. Males were more likely than females to use ganja and that such usage increased with school grade levels. Usage of ganja was reported to be higher in the 2010 survey showing 13 per cent compared to 2006 statistics of 10 per cent.

325. Information regarding the work of the National Drug Council may be found at www.ndc.ky.

326. Children who are subject to public law orders under the Children Law are professionally assessed often times to determine the extent of trauma they have experienced when they have been exposed to significant risk of harm.

327. When a child is exposed to significant risk of harm and this is known to the Department of Children and Family Services, the appropriate public law orders are sought to protect the child from further harm.

328. Individual counselling therapy and family therapy usually form part of the host of recovery and reintegration measures employed to assist the child and the family.

329. Children who are drug abusers and who are subject to public law orders under the Children Law have available to them counselling and periodic drug testing. Children who are not subject to public law orders but are nonetheless drug abusers may receive private counselling.

Falkland Islands

Chapter I
General measures of implementation

1. In late 2012 the Falkland Islands Government commenced a wide-ranging review of child safeguarding, steered by the Children's Safeguarding Board (the successor body to the Child Protection Committee).

2. The review has focused on staffing establishments, policies, procedures, working practices and legislation across a number of departments, including Education, Health, Social Services, Probation, Police, Legal and Courts. It has identified associated training needs. Existing arrangements for inter-departmental working are being stream-lined and processes improved. This includes the Multi Agency Risk Assessment Conference, which supports and protects the victims of domestic violence, and the Multi Agency Public Protection Group, which is based on MAPPA arrangements in the UK and risk-assesses and monitors convicted sex offenders in prison and in the community. Arrangements with a number of UK organisations are being formalised through service level agreements so that professionals working in the Falkland Islands can call on specialist advice when required. A Children's Guardian service for children involved in court proceedings is to be provided through CAFCASS. A closer working relationship has been established with SSAFA, the Soldiers, Sailors and Airmens Families Association, which is contracted by the UK Government to provide social work services to service and civilian families at the military base at Mount Pleasant.

3. The review resulted in the adoption in early 2013 of the cross-departmental Falkland Islands Child Safeguarding Action Plan. Several of the actions will reach fruition by September 2013, including refresher training in Achieving Best Evidence for police officers and social workers in the interviewing of children, victims of sexual and domestic abuse, and other vulnerable victims and witnesses; the introduction of Level 3 Safeguarding Training for managers working with children in the public and private sectors; and a four month secondment to the Falkland Islands of a specialist child protection lawyer to drive improvement in the conduct of child protection court proceedings.

4. The Lucy Faithfull Foundation has conducted an independent review of child safeguarding arrangements in the Falkland Islands; their report is due in August 2013. This body was chosen because of their expertise in relation to children's safeguarding, their previous review of St Helena and other Overseas Territories, and the organisation's direct and consultative work with adult sex offenders. The Child Safeguarding Action Plan is a living document and will be revised in light of any recommendations arising from the Lucy Faithfully Foundation's report; it is intended to be a proportionate response to the issues identified, which ensures that the Falkland Islands has an adequate and competent child safeguarding provision taking into account the resources and capacity available.

Chapter II
Definition of the child

5. For the purposes of this report, the definition of a "child" means any person under age 18 years. Under the laws of the Falkland Islands a person attains their majority on their 18th birthday.

Chapter III
General principles

6. The Falkland Islands Government recognises that there are three major challenges to the full implementation of the Convention in small Overseas Territories, namely (i) constraints to economic growth associated with isolated communities, access challenges, undiversified economies and public sector dependence; (ii) chronic human resource capacity gaps which create a heavy dependence on UK technical support; (iii) social development challenges related to small island state development and public service provision including the burden of an ageing population, a "brain drain" of the young, child protection and social welfare needs.

7. The Falkland Islands face an additional challenge relating to the population distribution. 21 per cent of the population is under age 18. Excluding the military base at Mount Pleasant, 89 per cent of the population or 2,120 people live in the capital Stanley and 11 per cent of the population or 351 people live in Camp on remote settlements or farms (2012 Census). Primary education is delivered in small settlement schools or on the farms by a combination of travelling and telephone teachers, while secondary school children live in a government hostel in Stanley during term-time. Other public services are delivered by telephone, by professionals travelling out to Camp, or by residents travelling in to Stanley.

8. The Falkland Islands Child Safeguarding Action Plan 2013 strives to identify ways to overcome these challenges and promote the interests of children throughout the Falkland Islands.

9. The Social Services Department has strategic responsibility for developing and implementing the Action Plan. This includes practice analysis, the introduction of the Single Assessment Framework and the implementation of the recommendations of the Munro Report on Child Protection published by the UK Government in 2011. Arrangements are being made with the University of Lancashire for professional training for Social Services staff. The Department is also responsible for ensuring a social work service is delivered to children and adults who are placed in the UK, mostly in specialist residential care, because their needs cannot be met in the Falkland Islands.

10. As at end July 2013 the Social Services Department had 40 ongoing child care cases, including a number of children who are looked after by the Falkland Islands Government and a number of children who are subject to child protection plans. The percentage of children who are subject to statutory intervention is similar to that of the average UK local authority. The Falkland Islands Child Safeguarding Procedures 2012 replaced the Falkland Islands Child Protection Procedures 2001.

11. All public sector staff and volunteers working with children must have enhanced criminal record checks, complete Safeguarding Children training level 1 or 2, and comply with procedures for reporting child protection concerns to Social Services. Private sector staff and volunteers are also encouraged to complete the training and comply with reporting procedures. The training centre offers vocational qualifications in Supporting Teaching and Learning in Schools for learning support and teaching assistants which includes a mandatory unit on Safeguarding Children. The secondary school has recently introduced a GCSE in Health and Social Care which includes safeguarding of children in its curriculum.

12. Corporal punishment is prohibited by law in schools and prisons. Corporal punishment in the home is governed by the common law which means that the defence of reasonable chastisement is available to a parent in appropriate circumstances to a charge of common assault but not to the more serious charges of child cruelty, wounding, assault occasioning grievous bodily harm or assault occasioning actual bodily harm. However,

corporal punishment in the home is not promoted by the Falkland Islands Government: the Social Services Department offers parenting courses which promote alternative methods of child discipline, and trains professionals working with children on how to address suspected physical (and other forms of child) abuse. Foster carers are not permitted to use corporal punishment. Any allegations of physical abuse of hospital patients or other vulnerable individuals are taken seriously and investigated thoroughly; corporal punishment would constitute both a criminal offence and a disciplinary offence under the Government's Management Code.

13. The Education Department uses a training programme called "Team Teach". This approach promotes de-escalation techniques to minimise confrontation between adults and children and positive handling by listening to children and allowing them to "have a voice". All teaching staff in both the primary and secondary school, including learning support and teaching assistants, receive training in Team Teach. In 2011 the secondary school introduced a new "Behaviour for Learning" policy which operates as a partnership between pupils, teachers and parents. The policy allows for suspension of pupils, but this rarely occurs.

Chapter IV
Civil rights and freedoms

14. Chapter 1 of the Falkland Islands Constitution Order 2008 is based on the European Convention on Human Rights. Every person in the Falkland Islands is entitled to the fundamental rights and freedoms of the individual without distinction of any kind, and is protected from discrimination on the grounds of sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

15. The Falkland Islands participated in a four year programme from 2007 to 2011 sponsored by the UK Government and delivered by the Commonwealth Human Rights Foundation which aimed to increase awareness of international human rights instruments, and equip civil society groups and government officers to better address human rights issues in the Overseas Territories.

16. In March 2010 and July 2011, as part of that programme, visiting academics delivered training in human rights to approximately 200 people including the general public, elected members of Legislative Assembly, senior officials, media representatives, and officers from across government including Education, Health, Social Services, Probation, Police, Prisons, Customs, Immigration, Legal and Courts. There were introductory sessions on human rights alongside specialised sessions on the inclusion of human rights in policy making, the role of community based organisations in protecting human rights, court remedies and processes, convention reporting, and the role of the media. The trainers also worked directly with staff in both the primary and secondary schools on the development of their Personal, Health and Social Education curricula.

17. There were several tangible outcomes from the training, some of which were supported by project funding, including the adoption by government of the Falkland Islands Human Rights Action Plan 2012; the formation of an independent civil society organisation called the Falkland Islands Human Rights Group to promote human rights in the community; the purchase of human rights literature for the community library; the publication and dissemination of human rights posters and leaflets in English and Spanish by mental health charity Team Tranquil; and the translation into Spanish of a number of government leaflets including those issued by the Health Visitor to parents of infants. 12 per cent of persons under 18 speak a language other than English at home (2012 Census).

Chapter V
Family environment and alternative care

18. Family allowance for children under age 16 is payable at the rate of £66.20 per child per month from 1 July 2013. It is not means-tested but is taxable. It is available for all children, provided either the child or parent has Falkland Islands Status or a Permanent Residence Permit.

19. With effect from 1 January 2013 means-tested working credits and childcare credits are available to help improve circumstances for children in low income families, regardless of immigration status. Other means-tested welfare benefits such as income support and housing benefit are no longer restricted to persons with Falkland Islands Status, but can be claimed regardless of immigration status.

20. The Falkland Islands Government is committed to working with families to ensure all children have the best possible start in life. Where families require additional support, a range of services are available to adults and children. There is no children's home in the Falkland Islands but foster placements (respite, emergency, short term or long term) are arranged by Social Services as required. Training and support are provided to all foster parents, and this has been underpinned by the adoption of the Falkland Islands Fostering Procedures 2012.

21. There is no homelessness in the Falkland Islands. Many young adults choose to remain in the family home, rent a house with their peers, or rent a room in Lookout Lodge which provides fully-catered accommodation for single people. The YMCA has three large properties which are managed by a warden and provide rented accommodation in a supported environment for young single people age 16 to 25; many young people see the YMCA as a first step towards independent living. Young adults who as children were accommodated by the Falkland Islands Government receive ongoing support from the Social Services Department with the transition to independence.

Chapter VI
Basic health and welfare

22. Perinatal mortality rates in the Falkland Islands are 1 in 35. Maternal and infant mortality rates in the Falkland Islands are virtually zero, as is the incidence of underweight children under 5 years of age. Up to 1 in 10 Falkland Islanders are born overseas for medical reasons (2012 Census). In 2012 new ward protocols and observation charts were introduced for infants, children and adolescents. In 2013 arrangements were made with UK hospitals to provide extended refresher training for midwives.

23. The Mental Health Ordinance 2012 makes new provision for those suffering from mental disorder, both adults and children. Training on the new Ordinance has highlighted mental ill-health as an issue in the community. Team Tranquil is a mental health charity, which promotes mental well-being and raises awareness of discrimination. It works with Social Services to support Acorns, a community social group which is open to all ages and is attended by older children with special behavioural needs. During the winter months Team Tranquil runs workshops open to both adults and children to encourage healthy pursuits such as craft activities and dance classes. Team Tranquil also funds a free telephone link to the UK Samaritans help line which is open to adults and children alike.

24. One of the key actions in the Islands Plan pertaining to health is to reduce the numbers of people abusing alcohol. There is no apparent drug abuse among children other than alcohol and tobacco. Police and Customs work closely together to prevent the

importation of illegal drugs. The Personal, Health and Social Education curriculum in both the primary and secondary schools addresses substance misuse of all kinds. This is supported by the DARE (Drug Awareness and Resistance Education) programme delivered in both schools by specially trained police officers. The Community Mental Health Service runs alcohol awareness classes for persons convicted of alcohol-related offences, and alcohol detoxification is available through the hospital when required.

25. The Community Psychiatric Nurses provide counselling services for children and adults. In 2012 the Community Mental Health Service has established a Child and Adolescent Clinical Psychology Service in conjunction with the South London and Maudsley NHS Trust to take referrals from both the Health and Education Departments to assess children's mental health needs and educational needs. A Young Person's Health Clinic has been established within the Primary Health Care Team to support the Clinical Psychology Service and work towards optimum health and well-being for children diagnosed with neuro-developmental disorders and their families. This has been accompanied by additional opportunities for continuing professional education for health and education staff.

Chapter VII
Education, leisure and cultural activities

26. The enrolment rate is 100 per cent and the drop-out rate is 0 per cent. Attendance rates are 98.6 per cent for primary/Camp education (231 pupils) and 98 per cent for secondary education (157 pupils). Primary and Camp education merged in 2011. The teacher-pupil ratio is 1:24 in the primary school and 1:13 in the secondary school. There are 7 teachers for 31 pupils in Camp. The maximum school class size is 30. The number of children is rising, so in 2012 a new pre-school facility was built.

27. The National Curriculum is in line with that of England, but with a focus on Falklands history, geography, natural history and culture. In 2012 Key Stage 2 children exceeded UK averages in all SATs tests (reading, writing, mathematics).

28. Approximately 50 per cent of each year group are fully funded by the Falkland Islands Government to undertake further education in the UK. Partnership arrangements are in place with Peter Symonds College in Winchester, which offers A-levels, and Chichester College of Further Education, which offers vocational qualifications. All pupils attend a one week transition programme before leaving school, including advice on money, mental health and personal safety.

29. Mobile phones are not permitted in the primary school, secondary school or training centre. Children using the internet on these premises do so only under staff supervision. Internet safety training for staff and pupils is held bi-annually.

30. For children whose first language is not English, additional support is given where possible, but the systems in place to support the learning of English as a Second Language are still underdeveloped. The secondary school uses Spanish-speaking adults to mentor Spanish-speaking pupils and in 2013 appointed a learning support assistant for children whose first language is not English.

31. Significant progress has been made in catering for children with special educational needs (SEN). In 2008 a SEN co-ordinator was appointed, responsible for delivery of SEN teaching in both the primary and secondary schools. The combined service ensures best use of resources and a co-ordinated approach which eases the transition from primary to secondary school for SEN children. The co-ordinator leads a team of four qualified SEN and Complex Needs teachers, up to sixteen learning support assistants depending on

fluctuating SEN requirements, an intervention teacher who works with secondary school children with behavioural issues who have difficulty functioning in a mainstream classroom, and a youth to young adult support worker who works with SEN children who choose to spend an additional year at school after reaching the school leaving age of 16. The SEN team work closely with the Speech and Language Therapy Service. Children with severe to medium level SEN are taught in dedicated units within each school. Children with mild SEN receive support in the classroom, assistance with examinations, and one-to-one teaching as required. Every SEN pupil has an Individual Education Plan with identified learning goals, and upon leaving school receive a Certificate of Personal Effectiveness. The number of children with SEN is rising, and a new SEN building is to be constructed next to the secondary school.

32. The primary school runs a Playground Leader Scheme, training older pupils to organise and run games for others during playtime. The secondary school runs a Red Cross Babysitting Course for pupils age 14 and above. Both schools offer after-school clubs for pupils including sports, music, drama, crafts, and support with homework (of particular advantage to children whose parents cannot afford internet access). The Outdoor Pursuits Policy incorporates a formal risk assessment process for off-site activities. In 2011 the secondary school introduced vertical tutor groups, which encourage older pupils to mentor younger pupils.

33. The School's Out Trust, a community charity which operated an after school club for children age 6 to 11, closed in 2013 due to lack of support. There is one private nursery for babies and toddlers, and a further three nurseries (two private, one charity) which provide day-care for children up to age 11, but many children age 8 and above walk home and look after themselves until parents get home from work. Parents of pre-school children receive an information pack on child safety. The Education Department has held meetings with nursery operators about the introduction of Early Years Foundation Stage profiles. Legislation governing nurseries, child minders and other childcare facilities is still to be introduced.

34. The key actions in the Islands Plan pertaining to education are: achieving the highest possible standards of attainment in statutory schooling and lifelong learning in the community; maximising the use of technology, the internet and distance learning opportunities to support education and training, including the development of virtual classrooms in Camp; and actively supporting education and training opportunities, including further and higher education, that develop a highly qualified local workforce which contributes to the economy and development of the Falkland Islands.

35. 34 per cent of the working population of the Falkland Islands has no qualifications, but the number of people with no qualifications has decreased by almost 4 per cent since 2006 (2012 Census). The Personal, Health and Social Education curriculum in the secondary school includes careers advice, and an annual Careers Fair is held which is also of benefit to the wider public.

36. Children aged 14 to 16, and young people age 16 to 25, are eligible for the Young Apprenticeship Scheme and the Apprenticeship Scheme respectively. These schemes are run by the training centre and enable children and young people to undertake vocational qualifications in their chosen areas of study plus Essential Skills (English, maths and ICT). Information and guidance on vocational educational opportunities is made available to secondary school pupils on a regular basis via presentations by training centre staff to children and their parents. All Young Apprentices and Apprentices undertake training in Health and Safety and Data Protection as part of their vocational awards.

37. The training centre's Entry to Employment Programme is open to young people within 12 months of leaving school; its aim is to provide suitable work placements and training to enhance their employment prospects.

38. The training centre's Employment Programme is accessible to young people once 12 months have elapsed since they left school (or immediately in the case of young people with special needs for whom finding independent employment would be extremely difficult). This scheme offers work placements for 20 hours per week at a rate equivalent to 90 per cent of the lowest government wage rate, and aims to help the unemployed into full-time employment. Adults and children with special needs are mentored by Social Services, who monitor their progress and work with the training centre and medical staff to promote their welfare.

39. Stanley Leisure Centre is a popular community facility which is also used by the schools (physical education is compulsory for all pupils). Leisure Centre staff run swimming lessons and after school sessions to introduce primary school children to different sports. They also run a holiday club for children age 5 to 11 offering sports, crafts and trips to places of interest on a daily or sessional basis. A number of community sports clubs are based in the centre; they are all open to older children and many of them also run junior clubs for younger children. In 2011 an archery club was formed and has proved so popular that it has moved into alternative premises to enable club members to shoot up to four times a week.

40. The government, in conjunction with community charity The Kids Playground Fund, has made significant investment over the past five years in parks and play facilities in Stanley, including upgrading existing play parks, constructing a new play park and a new toddler play park, installing additional play equipment in the primary school, and setting aside land in new housing developments for play parks. The prospective Sapper Hill housing development, which will provide 138 new housing plots, has also set land aside for green spaces and a new sports pitch.

41. The Parents Association was formed by primary school parents and teachers in 2006 to raise funds for the purchase of non-essential items for use in the primary school. In 2013 it expanded its remit to cover the secondary school.

42. In 2010 the Alex McGhie Fund was formed by members of community to raise funds to assist children with special needs or special educational needs to develop their social, educational and physical development skills including through the provision of play equipment.

43. The Duke of Edinburgh Award, which promotes outdoor pursuits and community service amongst older children, was relaunched in the Falkland Islands in 2007.

44. In 2012 the Falkland Islands Messy Church was launched, affiliated to the UK Messy Church movement, which aims to reach out to families who do not attend "conventional" church. Messy Church is a joint initiative between the three Stanley churches and meets in a community hall one Sunday afternoon a month. Participants of all ages join together in craft, praise and supper.

45. The Falkland Islands Defence Force allows suitable candidates to join at age 17, subject to parental consent. Although allowed to participate in a full range of training, including weapons and infantry tactics, those who are under age 18 are not allowed to take part in military operations. Local shooting clubs provide some opportunities for older children to become involved in shooting sports.

Chapter VIII
Special measures of protection

46. The school leaving age in the Falkland Islands is 16. The employment of children under age 14 is prohibited by the Employment of Children Ordinance 1966 (last amended in 2006), which also regulates the part-time employment of 14 and 15 year olds. The Minimum Wage Ordinance 2013 introduces a Young Person's Minimum Wage which gives all 16 and 17 year old workers the right to a minimum hourly wage, the rate to be revised annually by Order.

47. In early 2012 the government became aware of significant increases in the importation of legal psychoactive substances (commonly known as "legal highs"). Subsequent monitoring of the Falkland Islands community established that there had been several emergency hospital admissions of young adults as a consequence of them having consumed such substances and there was also evidence to suggest that children had been offered these substances. In order to safeguard the Falkland Islands community from the health risks associated with the consumption of these substances, the Prohibition of Psychoactive Substances Order 2012 was brought into force on 25 May 2012 prohibiting their importation. This measure appears to have adequately addressed the problem in the Falkland Islands, as since that date customs officers have not intercepted any consignments of psychoactive substances in the arriving mails or in the course of conducting examinations of arriving passengers at the border.

48. In 2008 the Children and Young Persons (Tobacco) Ordinance 2007 was amended to raise the legal age for the consumption of tobacco from age 16 to age 18.

49. Given the unpredictability of the environment in the Falkland Islands and the difficulty in detecting the mines laid during the 1982 conflict, landmine clearance in the Falkland Islands is particularly hazardous and presents significant technical challenges and risks. Since August 1982 the minefields have been clearly marked and have very little impact on the local community. When landmines or other unexploded ordnance are discovered outside of the fenced mined areas they are cleared by MOD Explosive Ordnance Disposal teams. Concerted demining activities were carried out by UK Government contractors in 2010, 2012 and 2013 which resulted in several minefields being cleared and substantial tracts of land being declared free from mines and other ordnance and safe for use. The Falkland Islands Government, with technical input from the MOD as required, is responsible for educating and warning the public; this includes regular school visits. The civilian awareness programme is currently under review.

50. In 2007 a day care service was established for children and young adults with additional needs; that service is no longer functioning but the Falkland Islands Government is working on a vulnerable persons strategy which aims to identify and fill any gaps in provision for children (including school leavers) and adults with special needs. A parental support group for parents whose children have additional needs is still in existence, assisted by the Social Services Department.

51. The Criminal Justice Ordinance 1989 provides that a 17 year old should be treated as an adult, and not as a child, when applying the provisions of the law dealing with police detention and the grant of bail. However, for many years the Royal Falkland Islands Police have treated a 17 year old as a child and not as an adult when applying these provisions. The forthcoming Criminal Evidence and Procedure Bill will formalise this practice by amending the law so that a 17 year old suspect is treated as a child for all purposes in criminal law.

52. The Criminal Evidence and Procedure Bill will also address sentencing options for adult and child offenders, including the introduction of youth rehabilitation orders, and

eliminate the current discriminatory provision whereby a sentence of detention in a Young Offender Institution can be passed on a male age 14 to 20, and on a female age 15 to 20.

53. Since 2008 only one custodial sentence has been passed on a child.

54. In March 2009 a new Stanley Prison was opened, adjacent to Stanley Police Station. The cells are designed to UK Home Office specifications. The prison has been designed to allow different configurations depending on the mix of prisoners, and young offenders are segregated from other prisoners. The legislation governing Stanley Prison has been rewritten with the assistance and guidance of the UK Overseas Territories Prison Advisor, and should come into effect by the end of 2013 together with Officer in Charge Instructions.

55. The Criminal Justice (Evidence) Ordinance 2000 offers protection to vulnerable complainants and witnesses by the use of special measures during criminal trials, including the ability to give evidence by live link from a remote location. Special measures can be applied for by the prosecution for any vulnerable person, but they are available automatically to complainants in sexual offences cases and to persons under age 17. The forthcoming Criminal Evidence and Procedure Bill will amend the law by extending such protection to those under age 18. Irrespective of the use of special measures, witness support is available through Social Services to all children and other vulnerable complainants and witnesses.

56. The Administration of Justice Ordinance 1949 was amended in 1998 so that there is no limitation on the time within which a prosecution may be commenced for any sexual offence committed upon or in relation to a person aged under 16 at the time of the offence. In 2012 the Ordinance was further amended to provide that there is no limitation on the time within which a prosecution may be commenced for any sexual offence, to further protect adults and children age 16 and 17.

57. Sexual exploitation and abuse is recognised as a form of child abuse in the Falkland Islands Safeguarding Procedures 2012. Safeguarding Children training at all levels includes identifying relevant risk factors. Suspected cases of sexual abuse are rigorously investigated and prosecuted by the authorities. Since 1 July 2008 there have been six successful prosecutions for sexual offences against children. One offender was convicted of very serious historic offences against young children. The other offenders were convicted of sexual assault of children, sexual activity with children under 16, and child pornography offences.

58. Police work to guidelines published by ACPO (Association of Chief Police Officers) and call on specialist assistance from Devon and Cornwall Constabulary or CEOP (the Centre for Online Protection) as required. Prosecutors work to guidance published by the CPS (Crown Prosecution Service) including the Code for Crown Prosecutors and engage criminal barristers for advice and advocacy as required. The CPS provided a prosecutor on secondment in 2009/10 and are to provide a further secondee during 2013/14 to ensure current UK best practice is embedded in the Falkland Islands police and prosecution services.

59. The Sexual Offences Act 2003 applies as law in the Falkland Islands. Part II of the Act requires convicted sex offenders to comply with certain notification requirements. The police liaise closely with their counterparts in the UK and other communities with close links with the Falkland Islands such as St Helena and Ascension, and inform the relevant authorities if convicted sex offenders travel there from the Falkland Islands.

60. Upon conviction (or immediately before release from prison, in appropriate cases involving long prison sentences) application is made for a Sexual Offences Prevention Order (SOPO) also under Part II of the Act. The Multi Agency Public Protection Group, which is modelled on MAPPA arrangements in the UK, risk assesses sex offenders using

the HCR-20 assessment tool and monitors them upon their release into the community including their compliance with SOPO conditions.

61. During 2013 the Probation Service was further developed, and continues to work closely with the Officer in Charge of the Prison, the Visiting Psychiatrist, the Community Psychiatric Service and the Social Services Department to deliver a range of offender management and rehabilitation services. This includes delivering sex offender management programmes in prison, and working with offenders to support them before and after their release. Arrangements are being put in place with the London Probation Trust to provide refresher training in risk assessment and offender management.

62. In both the primary and secondary schools the Personal, Health and Social Education Programme includes educating the children about how to keep safe and form appropriate relationships.

Chapter IX
Ratification of international human rights instruments

63. Other international human rights instruments which are relevant to the rights set out in the Convention, and which have been extended to the Falkland Islands, are:

- Convention against all forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention against Torture and other cruel, inhuman or degrading treatment or punishment
- Convention on the Elimination of All Forms of Discrimination against Women
- Minimum Age Convention (ILO Convention No.138)
- Worst Forms of Child Labour Convention (ILO Convention No.182)

Montserrat

Chapter I
General measures of implementation

1. The laws of Montserrat were last revised and consolidated on 1 January 2008 and new editions came into force on 15th October 2009. One new piece of legislation with implications for the Rights of the Child has been enacted since then, this is the Status of Children Act 2012 which abolishes the distinction between legitimate and illegitimate children and provides for the equal status of children. Two Acts have been repealed and replaced by the Labour Code 2012. They are the Employment of Young Children Prohibition Act (Cap 15.03) and Employment of Women, Young Persons and Children Act (Cap 15.03).

2. One new piece of legislation that seeks to protect the rights of a child has been enacted, and takes the form of an amendment to the Penal Code Cap 04.02. The Penal Code has been amended to insert a part labelled "Sexual Exploitation" with Section 138B headed "dealing in people under 18 for sexual exploitation". Section 138B makes it an offence to inter alia, sell, buy, transfer, barter, rent, hire, or in any other way enters into a deal involving a person under the age of 18 years for the purpose of the sexual exploitation of the person.

3. A Status of Children Bill has been passed and the classification of legitimate and illegitimate children has been removed under the Registration of Births and Deaths Act (Cap 6.13) (see # 1 above).

4. Draft Bills dealing with Adoption, Foster Care and Juvenile Justice have been prepared and are currently being reviewed by the Legal Department. The purpose Children (Care and Adoption) Bill is to provide for the care and protection of children and for other related matters. The Bill is based on the recognition of the need to take legislative action to safeguard and promote the welfare of children. The Bill will seek to provide that in all actions and decisions made pursuant to the provisions of the Bill concerning a child, the safety, welfare and well-being of the child shall be of paramount consideration, and the same principle shall apply where a child has been removed from his or her parents. The aim of the Child Justice Bill is:

(a) To establish a criminal justice process for children accused of committing offences, that aims at protecting the rights of children as provided for in international instruments;

(b) To provide for the minimum age of criminal responsibility of a child;

(c) To incorporate diversion of cases away from the formal court procedures;

(d) To establish a procedure for the assessment of children and an initial inquiry as compulsory procedures;

(e) To ensure that children are tried in the Family Court and to extend sentencing options available in respect of children; and

(f) To entrench the notion of restorative justice in respect of children.

5. A child protection/safeguarding policy is currently in place and being implemented.

6. The evacuation plans of the Disaster Management Co-ordination Agency (DMCA) include children as part of the family to ensure that children are not separated from their families during evacuations.

7. Community groups and Church groups support and promote the development of children. In February 2012 a Montserrat Children's Society was inaugurated.

8. A Human Rights Reporting Committee is established and human rights come under its remit. This committee is made up of representatives from both the public and private sectors and its main purpose is to prepare reports required under each convention, making them available for public consultation.

Chapter II
Definition of the child

9. The Education Act 2004 provides Early Childhood Education from the age of one year and maximum compulsory education to the age of 16.

10. The Draft Juvenile Justice Bill changes the definition of a Juvenile from the age of 14 to age 18. The Bill also changes the age of responsibility from age 10 to age 12. If however a child under 14 commits an offence, the Crown must prove beyond reasonable doubt that the child had the requisite criminal capacity.

Chapter III
General principles

11. Section 16 of the 2010 Constitution Order expressly prohibits discrimination, and the Laws of Montserrat which relate to children and the services provided for them by the Government apply, with the necessary exceptions, without discrimination.

12. Children of non-nationals receive free primary health care but hospital visits and medicines which are free for children of nationals attract a fee.

13. The Education Act 2004 provides that no child who is eligible for admission to school should be denied such admission on discriminatory grounds. This means that pregnant mothers are permitted to return to school, however they may be required to sit out a year of school until she has had her baby returning to the same grade that she left off. This is because the physical configuration of the school is physically challenging and not suitable for pregnant mothers. During this year, the mother is provided with support material so her learning is not ignored.

14. A few schools admission policy was approved by Cabinet. This policy makes clear and confirms the right of every child to be admitted to the school system but also makes it clear to all what prerequisite documents are needed for processing applications for admission to public schools.

Best interest of the child

15. There have been no changes to the requirements under the provisions of the Juvenile Act, the Guardianship of Infants Act and the Adoption of Children Act. The best interests of the child are also a consideration of the Court when granting tenancy and occupation orders under the Family (Protection against Domestic Violence) Act (Cap 5.05).

Respect for the views of the child

16. A vibrant Youth Parliament exists in Montserrat, its members are democratically elected by the island's youth.

17. Each public school (primary and secondary) now gives the student body a voice in management through a student council.

Chapter IV
Civil rights and freedoms

Name and nationality

18. All children are registered under the provisions of the Registration of Births and Deaths Act (Cap 6.13) within 21 days of their birth.

19. Children born in or outside Montserrat, of a father or mother who was born in Montserrat and regarded as Montserratian, are regarded as Montserratian pursuant to section 107 of the Constitution.

20. Children born in Montserrat receive BOTC in accordance with the provisions of the British Nationality Act 1981. "Father" under the British Nationality Act has a different meaning depending on when the child was born. If the child was born before 1st July 2006, then the father means the father of a legitimate child. If the child was born after 1st July 2006, then the father could be the father of a legitimate or illegitimate child. Consequently the illegitimate child of a BOTC male will acquire BOTC automatically if they are born after 1st July 2006.

Access to appropriate information

21. All children in Montserrat have access to the services of the Public Library. The Library has internet services and a mobile library which visits primary schools once per week. Primary schools also have their own libraries.

22. TV transmission in Montserrat is by way of Cable TV services with over 60 channels available, many geared particularly for children. One channel (channel 5) is made available for local programmes provided by Government's information Service and frequently feature local children.

23. All primary schools, the Montserrat Secondary School and the Montserrat Community College have computer labs available to their students. In addition, secondary school students have access to purchase low cost laptop computers in a scheme jointly promoted by Government and Cable and Wireless.

Chapter V
Family environment and alternative care

Parental guidance and responsibility

24. Under the Education Act 2004 parents are responsible for ensuring that their children of compulsory school age (age 5 to age 16) attend school. Failure to do so may result in the parent being liable, upon summary conviction, to a fine.

25. There are no formal policies on parenting. However, community groups such as the Parent Education Group and the Montserrat Early Childhood Association meet and seek to enhance parenting skills, as well as the various schools PTAs.

Domestic violence

26. New domestic violence legislation is currently being enacted. The Domestic Violence Bill 2013 recognises that domestic violence is a serious crime against society; that many persons are regularly beaten, tortured, and in some cases even killed by their partners or cohabitants and that many victims come from various social, economic, cultural, ethnic and religious backgrounds and that children suffer deep and lasting emotional effects from domestic violence, even when they are not assaulted. Currently under review is the Royal Montserrat Police Service's Family Centre where victims of domestic violence can be housed temporarily because of its underutilisation and subsequent state of repair.

Punishment

27. Under the Education Act corporal punishment is still permitted albeit it can only be administered by the Head Teacher. However corporal punishment is now outlawed in all public schools by policy. This does not apply to the two private primary schools.

28. A new policy on child safety is currently under consultation. In this document child safety is broadened to include mental and psychological safety, internet safety, as well as physical safety.

29. An anti-bullying policy for all schools was approved by Cabinet.

Chapter VI
Basic health and welfare

Adolescent health

30. Family planning and sexual health education form part of the curriculum in the Secondary School. The Montserrat Red Cross Youth Peer Educators Group has undertaken island wide campaigns about HIV/AIDS, targeting adolescent audiences. There are school counsellors available to students in all schools who are supervised by an education psychologist.

Survival and development

31. In the last half decade, child and maternal mortality rates were nil and only two youths under the age of 18 have died (one of them a victim of a road accident).

32. 100 per cent of the population under 5 years old have been immunised against diphtheria, pertussis, tetanus, polio, TB, measles, mumps, rubella, hepatitis B and haemophilus influenza type B. Follow up immunisation is given to school children at specified ages.

Disabled children and children with special needs

33. Children with Special Education Needs (SEN) are taught within the normal classrooms of all the island's primary schools. The Government policy is for inclusion of SEN children into the ordinary classroom without the use of a special needs unit, however there are a number of professional trained SEN teachers in a support unit addressing behaviour disorders and offering advice to parents and teachers.

Health and health services

34. Healtn facilities in Montserrat include four primary care clinics, a 30 bed hospital and operating theatre in St Johns currently undergoing a rehabilitation programme. The hospital has a pharmacy, laboratory, X-ray facilities and a specially equipped birthing unit.

Facilities are in place for emergency medical evacuation to hospitals in Antigua and there is a bilateral health care agreement with the UK to accept up to four patients per year for NHS medical treatment at the UK's expense.

School health programmes

35. Primary Health Care and dental services are provided free for all children in Montserrat. School health checks are performed routinely with children being referred to appropriate specialists where necessary.

Health services provided for expectant/nursing mothers

36. Health services for expectant mothers include free pre-natal and post-natal care and referral, where necessary, to specialist services. Expectant mothers are monitored throughout pregnancy at district health centres and any deficiencies noted are corrected through nutritional supplement programmes and counselling.

Social security and standard of living

37. Due to the downturn in the economy, many families in Montserrat are struggling to get by and the Government of Montserrat has had to develop and fund substantial social welfare and development services targeting vulnerable families. The Social Services Department implement these services through a network of field officers. The Government has budgeted EC$4.6 million for these services in 2013.

Education, Leisure and Cultural Activities

38. Education is free at Government's primary and secondary levels. Nursery Schools are not free but are heavily subsided by Government. There is universal primary and secondary education and every child from the age of two is able to attend the early childhood programme at nursery schools provided space is available. The number of spaces is governed by the adult child ration as agreed in an early childhood education policy which was developed with support from UNICEF. In all there are two Government Day care centres, three nursery schools, two primary schools and one secondary school. There are two private primary schools.

39. At age 11+ students automatically transfer to the Secondary School and are placed in ability sets. At fourth form they follow an academic programme or a prevocational programme depending on interest and aptitude or a blended curriculum. Students follow a Caribbean Examination Council (CXC) syllabus and can choose from 25 subjects. Examination results are comparable to those on other Caribbean countries.

40. The Montserrat Secondary School offers a wide range of technical and vocational subjects including Visual Arts, Clothing and Textiles, Computer Studies, Food and Nutrition, Agriculture, Woodwork, Technical Drawing, Electrical and Electronic Technology, Building Construction and Hotel Trades.

41. The Montserrat Community College, established in 2004 offers Sixth Form Courses, Nursing and some Technical Subjects. The University of the West Indies School of Continuing Studies offers a range of courses including degree courses by distance learning.

Professional development for individuals working with children

42. The island's Ministry of Education continues to develop its Education Development Plan (EDP). The areas of focus for the EDP are leadership and management, teaching standards, curriculum reform, the teaching/learning environment and developing

educational partnerships. The training has taken place for all teachers through workshops facilitated by consultants from UWI and funded by the CDB.

43. The Montserrat Early Childhood Association plays a vital role in the community by providing relevant and pertinent information to the public in addition to conducting workshops for private early childhood providers and summer workshops for young children. The professional development of teachers continues to be a priority and in-service training is provided for new and practicing teachers at all levels in the system.

Cultural activities

44. There are a number of cultural activities specially designed for children. These include school holiday music workshops, sports camps, science fair, bible school, a school arts festival and musical performances. Within the new capital town being built in Little Bay there is already a Cultural Centre and a Museum where children are encouraged to visit.

45. Government has an active Sports Department which organises sporting activities for school children and encourages out of school sporting activities. The Montserrat Football Association has an organised youth programme from age 7 upwards geared at both boys and girls and the Montserrat Cricket Association has an under 11 league for both boys and girls. They also have an under 13 league, an under 15 league and an under 19 league for boys and there are women's cricket teams which take in players from aged 11 upwards.

Chapter VII
Special protection measures

Juvenile justice

46. Under the Juvenile Act (cap 2.11) a court when dealing with juveniles must have regard to the welfare of the juvenile, this must be so whether the juvenile is in need of care or protection or is before the court as an offender.

47. Unless charged together with a person who is not a juvenile, juveniles who commit offences are required to be tried in a Juvenile Court, which has special powers and procedures appropriate to children. The general public is not allowed in Juvenile Court and juveniles must be kept separate from adult offenders while at the police station and awaiting trial. There are no children or juveniles deprived of their liberty in Montserrat.

Drug abuse

48. Despite the fact that the possession and supply of drugs is a criminal offence under the Drugs (Prevention of Misuse) Act (Cap 4.07) there is evidence that the use of marijuana seems to be on the rise amongst juveniles in Montserrat. Very few convictions have been recorded against juveniles due to the fact that they are appearing before the Magistrate as first time offenders. The Ministry of Education, in conjunction with the Royal Montserrat Police Service run a D.A.R.E. programme in the island's primary schools and plan to commence an advanced programme in the Secondary School in the 2013/2014 academic year. It is hoped that this would educate children against the dangers of drug use. There is a tobacco factory planned for Montserrat but its products would not be on sale on the island as all will be exported.

Refugee and internally displaced children

49. There are no internally displaced families in Montserrat as all shelters put in place after the eruptions of the Soufriere Hills volcano and subsequent loss of housing have now been closed and all families re-housed in purpose built properties.

50. There are no refugee families or individuals currently based in Montserrat.

Pitcairn Island

Chapter I
General measures of implementation

1. Pitcairn Island, with an area of approximately 4.5 square kilometres, is the only permanently inhabited island in the Pitcairn Islands Group in the South Pacific. Pitcairn has a population of less than 50 people of whom currently 8 are under the age of 18.

2. Pitcairn's budgetary aid allocation was $5,270,900 in 2012-13 and is projected to be $5,426,400 in 2013–14 (all figures in New Zealand dollars). The UK Government also pays for a New Zealand social worker to be stationed on the Island.

3. In 1999, allegations of sexual abuse of children by older men on Pitcairn were made by a number of women. Most of the charges were historical in nature. The allegations were investigated by an experienced team from the Kent Police assisted by a child abuse specialist from the New Zealand Police. Following their investigations, charges of child sexual abuse were laid against 7 islanders and 6 off-islanders in 2003. 8 men were found guilty of serious child sexual offences. 5 served sentences in the island prison. 2 were given community service sentences (both completed in June 2007). One man was given a home detention sentence, now served.

4. Pitcairn has no independent national human rights institution. Human rights however are enshrined in Pitcairn's legislation and Constitution. In 2011 the Island Council introduced the role of Portfolio Holder for Human Rights.

Chapter II
Definition of the child

5. An individual comes of full age and capacity at 18 years of age. Before that age, he or she is a minor and requires the consent of a parent or person in loco parentis for marriage. Section 2 (1) of the Interpretation and General Clauses Ordinance defines a child as a person under 16 years of age. The rule of English law which presumes that a child under the age of 10 is incapable of being guilty of an offence applies in the Island. The age of consent is 16 for girls and boys.

Chapter III
General principles

6. The measures in force in the Island, which reflect the rights referred to in the Convention, do not discriminate between children on any of the grounds set out in article 2. The statutes of the United Kingdom Parliament which prohibit discrimination are taken to be statutes of general application which are in force in Pitcairn.

7. Following the secondment of a New Zealand social worker to monitor the safety and welfare of the island children, a local law was enacted to serve as immediate legislative authority for this work. The Children Ordinance provided for a Children's Officer responsible for the overall welfare of children with unlimited power to take any protective action necessary to secure the safety of a child. This position is held by a British Diplomat resident on the island.

8. Places of safety for the immediate refuge of a child at risk have been designated by the Governor. If the Court exercises its power to place a child under the supervision of the Children's Officer that officer is to "visit, advise and befriend the child", help the child to secure appropriate employment or to bring the child back to the Court for the purpose of obtaining an order that he or she be committed to the care of a fit person, whether a relative or not, who is willing to take care of the child on an ongoing basis. If the Court finds that it is necessary to place a child in the care of some person other than his or her parent(s) or guardian, a contribution order may be made to pay maintenance to that other person on account of the cost and expenses involved.

9. The ordinance provides that nothing in its text should be construed as conferring on any parent or other person having the lawful care of a child the power to strike or assault that child by way of discipline or punishment.

10. The law of the United Kingdom which recognizes the sanctity of life applies equally to Pitcairn by reason of section 16 (formerly section 14) of the Judicature (Courts) Ordinance. Risk of suicide to children on Pitcairn is minimal due to close monitoring by social workers and the small size of the school and of the community itself. There have been no deaths of under-18s on the Island for many years.

11. There is specific provision in section 6 (b) of the Adoption Ordinance requiring the Court to be satisfied as to the wishes of the infant who is the subject of the application for adoption, having regard to his or her age and understanding.

12. Since 2008 there has been a local branch of the Sea Scouts on Pitcairn, facilitated by the Community Police Officer.

Chapter IV
Civil rights and freedoms

13. Under the Births and Deaths Registration Ordinance, a birth is required to be registered within two months.

14. Under the British Nationality Act 1981 of the United Kingdom Parliament, a child born in the Islands is a British Overseas Territories citizen if at the time of his or her birth the father or mother is a British Overseas Territories citizen or settled in Pitcairn.

15. The island has no radio due to its remote location, but in late 2006 a communications project provided a limited television service, for the first time in the island's history. The same project also brought telephones to the island. As of 2012 two commercial channels (from a choice of approx. 17) can be received at any one time, in addition to a church funded "Hope Channel". The internet is available and most islanders have computers in their homes. There are no newspapers, although a newsletter, the "Pitcairn Miscellany", of social information is published and is distributed to subscribers worldwide. There is a library containing books, magazines and DVD's to which children have access, in addition to a library in the Island School. Children have access to a telephone counselling service.

16. Under section 35 of the Justice Ordinance, unless otherwise specified, no child convicted of any offence shall be liable to imprisonment. There is no contrary provision in the laws of the Island.

Chapter V
Family environment and alternative care

17. The common law recognises the responsibilities and rights of parents and this extends to adoptive parents by virtue of section 15 of the Adoption Ordinance. Section 12 of the Summary Offences Ordinance also makes specific provision to the effect that it is the duty of every person who has the custody of any child to provide such child with the necessities of life. Sexual offences against children are severely punishable in accordance with the Sexual Offences Act 1956 of the UK (as amended down to the date of this report), which is taken to be a statute of general application in force on Pitcairn. Sections 71, 72 and 73 of the Justice Ordinance empower the Court to require the fathers of legitimate and illegitimate children to provide maintenance for their children.

18. The Adoption Ordinance makes provision for the adoption of children and connected matters. There have been ten adoptions since 1954, the latest in 2011.

19. The Marriage Ordinance was amended in 28 May 2012. Part IX of the ordinance – Welfare of Spouse and Children, Sections 56 and 57, ensures appropriate arrangements, the day-to-day care, maintenance, and other aspects of the welfare and wellbeing of children, are subject in dissolution of marriage.

20. There are no cases of separation from parents on Pitcairn nor are there any fostered children.

21. There is no known instance of the illicit removal or transfer of children from Pitcairn Island. Pitcairn has no refugees or asylum seekers. There have been no known cases of family reunification.

Chapter VI
Basic health and welfare

Basic health

22. There are no children with disabilities on Pitcairn, nor are there any requirements for special schools or institutions.

23. There is a health clinic on the Island staffed by a GP seconded from New Zealand/Australia or the UK. An islander with a nursing qualification also works in the clinic. Videoconferencing facilities are available. An islander has been trained to operate the x-ray and perform basic dental procedures. Dental assistance has also, on occasion, been procured from the surgeons of passing ships.

24. The government recommends that mothers come off the island to give birth for their own safety. No records were found of deaths of under-fives but there was a child stillborn in 1989.

25. The doctor provides an immunisation programme.

26. The island is generally a healthy place to live with no mosquito borne diseases or HIV/AIDS.

27. The UK Government has an agreement with French Polynesia allowing all islanders, including children to access non-urgent and/or specialist health services outside of the of the islands health clinics scope on a quarterly basis using the existing contracted shipping service.

Welfare

28. Under the Social Welfare Ordinance, child benefits may be granted from public funds to the parents or guardians of children under the age of 16; and children between the age of 14 and 18 who are attending full-time education at the Island School. At present two families are receiving child benefits.

29. The UK government provides for the presence of a social worker on the Island recruited from New Zealand. Their primary purpose is to ensure the safety and well-being of the Island's children. They are closely involved with the entire community and this includes support to the school through involvement with school activities and health and safety programmes. This enables them to monitor the children carefully and deal with any problems as they arise.

30. The UK Government in consultation with the Island developed the GPI 016: Policy and Procedures for Safeguarding Children on Pitcairn Island. The document sets out how organisations and individuals should work together to safeguard and promote the welfare of children on Pitcairn Island. The UK Government owns this policy.

31. A Child and Youth worker role has been developed to promote and support positive wellbeing and welfare for the children and youth on Pitcairn Island. This role includes developing School Holiday programmes and weekly involvement with the children through Sea Scouts and/or other community activities and providing support to parents and families with children on the Island.

32. A Review Group consisting of the Social Worker, Teacher, Doctor and the Child and Youth worker meets regularly to discuss children's issues and promote the safety and welfare of the children.

33. A Community Development portfolio role has been developed on council to support the development of appropriate programmes and services for the safety of children and the vulnerable in the community including the provision of appropriate education and medical services.

Standard of living

34. Standards of living on Pitcairn are fairly high, albeit without many of the modern conveniences found in most Western countries and children thrive in the healthy environment there. The Government is committed to improving facilities on the Island and a large programme of development work has been implemented providing, modern communications including television and telephony and working to provide improved access (work on an EU funded alternative harbour is under way), and improved waste and sanitation facilities.

Chapter VII
Education, leisure and cultural activities

35. Education is free and compulsory from the ages of 5 to 15 years. The Island has one school which has a current roll-call of six. The curriculum is based on the New Zealand curriculum and its aim is both to provide practical training to prepare pupils for the variety of practical tasks necessary to meet the needs of such an isolated community and also academic training to enable them to continue their education to higher levels should they so wish. Teaching is provided by a qualified schoolteacher recruited from New Zealand and correspondence courses are arranged for older children wishing to continue their education on the Island. The U.K. Government funds alternative secondary education for children by way of boarding school options in New Zealand as requested, on a case by case basis. All

children attend school and none is home-educated. An islander runs a pre-school programme (there are two pre-schoolers) supervised by the Teacher. After-school and holiday activities are run by the Child and Youth worker, working with the social worker.

36. Handcrafts, which are one of the sources of income for the Islanders are taught by parents at home, who hand down their skills to their children.

37. The Pitcairn dialect (a mixture of English and Tahitian) is preserved and since 1996 has been taught by a locally employed teaching assistant. Sport and leisure activities involving children are informal.

Chapter VIII
Special protection measures

Children in conflict with the law

38. Section 35 of the Justice Ordinance provides that, unless otherwise specified, no child convicted of an offence may be imprisoned. Children may give evidence without taking an oath or making an affirmation.

Children in situations of exploitation

39. No Pitcairn children are in situations of exploitation. Children are expected to help their parents in the production of handicrafts, which is a family activity, less so in gardening. They also take part in fishing, a necessary part of the economy of the Islanders, but one seen as an enjoyable pastime.

St Helena, Ascension and Tristan da Cunha

Chapter I
General measures of implementation

1. In 2009, a new Constitution was provided for in the St Helena, Ascension and Tristan da Cunha Constitution Order 2009. It contains extensive provisions for the protection of Fundamental Rights and Freedoms of the Individual, which were designed to secure compliance with treaty obligations, including the Convention on the Rights of the Child.

2. The Convention was ratified by the United Kingdom with a number of reservations in respect of itself and the dependent territories (now "Overseas Territories"). The United Kingdom has since ratification made alterations to its reservations and declarations. As presently understood the Declarations of the United Kingdom provide:

> "(a) The United Kingdom interprets the Convention as applicable only following a live birth.
>
> (b) The United Kingdom interprets the references in the Convention to 'parents' to mean only those persons who, as a matter of national law, are treated as parents. This includes cases where the law regards a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.
>
> The United Kingdom, in respect of each of its dependent territories ... , reserves the right to apply article 32 subject to the laws of those territories which treat certain persons under 18 not as children but as 'young people'.
>
> Where at any time there is a lack of suitable detention facilities or where the mixing of adults and children is deemed to be mutually beneficial, the United Kingdom, in respect of each of its dependent territories, reserves the right not to apply article 37 (c) in so far as those provisions require children who are detained to be accommodated separately from adults."

3. These reservations may necessarily be required to continue to apply to St Helena as legislation and prison infrastructure presently stands.

4. Under the European Convention on Human Rights (ECHR) there is a reservation on corporal punishment in schools. This is forbidden under the Education Ordinance 2008; therefore this reservation can now be removed.

5. The Children and Young Persons and Child Care Ordinances were repealed on 1 March 2010 by the Welfare of Children Ordinance (WCO) 2008. This current ordinance makes wide ranging provision for the protection and welfare of children and specifically Section 3 (3) of this Ordinance provides that in "considering what constitutes the welfare of a child, regard shall be had to the provisions of the United Nations Convention on the Rights of the Child with appropriate modifications to suit the circumstances in St Helena that are not specifically mentioned in this Ordinance". "Child" means a person under 18 years of age, except that in Part XI (Proceedings involving children and young persons) and Part XIV (Offences against children and young persons) "child" means a person under 16 years of age; "young person" means a person who has attained 16 years of age, but who is under 18 years of age.

6. The new legislation updates the law relating to the welfare and rights of children and brings it in line with the principles contained in the Convention. WOCO is largely based upon the Children Act 1989 of England.

7. It is believed that the above measures substantially bring St Helena into conformity with the principles and provisions of the Convention.

8. A Human Rights Capacity Building Committee was established in 2008 through the Building Capacity in the British Overseas Territories Project managed by the Commonwealth Foundation and funded by FCO/DFID. A National Human Rights Action Plan for St Helena was agreed in 2011. There is now a Human Rights Office, and a part time Human Rights Facilitator has been employed to oversee the progress of the plan. Children's rights form a major part of the plan with the objectives being children and young people, to promote the rights of children:

(i) Safeguard children from physical and sexual abuse;

(ii) Ensure that a child who is capable of forming their own view has the right to express those views freely in all matters affecting them.

9. The Welfare of Children Ordinance 2008 is based on the Convention on the Rights of the Child.

10. The multi-agency Child Protection Working Group (CPWG) posted a CRC charter in schools. Promotion has taken place through child protection presentations to classes of children and a limited adult audience. The Social Work Division's (SWD) endeavour is to use the media services, presentations, opportunities during public meetings and leaflet publication to make the principles and provisions of the convention widely known. New Horizons (a youth organization) sets up Youth Forums where staff will discuss matters such as the Rights of the child with the youth of St Helena. It also holds parental meetings where they discuss issues on Child rights. One of the aims of the organisation is to work closely with the media to get information across to both adults and children. It works in conjunction with other organizations like the Police, Health and Social Services, and Education in dealing with issues that can affect the basic Human rights of a child.

11. Section 38 (1) of the Welfare of Children Ordinance established the St Helena Safeguarding Children's Board for the purposes of safeguarding and promoting the welfare of children in St Helena.

12. A Youth Parliament was formulated in early 2012 under the direction of the Civil Society Officer.

13. The human Rights Facilitator has worked with Year 7 students on CRC and issued a leaflet to them all explaining their rights. The office is currently producing leaflets for children and young people on CRC and Human Rights in general. More classes are planned.

14. In providing a service for children with disabilities the Social Work Team advocate on their and their parents/guardians behalf. In doing so it is sometimes necessary to seek help from other agencies such as the Disabled Persons Aid Society who really give support. The Social Work Division has worked with the New Horizons youth organization and church groups for young people in assisting to put together a Child Protection Policy and Procedures.

15. Newly implemented is that all children with a disability is assessed using the core assessment framework and care plans implemented by the agency core group and reviewed. Transitional school leaving plans are also coordinated to enable the child to be placed in a work environment upon leaving school. Funding has been approved by the Community Grant Scheme for one year to enable children with disabilities to access community facilities, and enjoy community activities during school holidays.

16. A leaflet and one to one sessions for children with learning disabilities are being developed by the Human Rights Office.

Chapter III
General principles

17. The Social Work Division takes the lead in a non-discriminatory multiagency Child Protection Working Group approach to child protection, childcare, guidance and family support. If the child has to go into voluntary care or care via a court order then a tailor-made care plan is formulated and implemented for each individual child.

18. All children have equal opportunity to study all subjects on the school curriculum and to participate in all lessons unless their parents feel that it is not in their best interests to do so.

19. Every encouragement is made via a multi-agency approach to ensure that the child receives an education and post education as needed to enable them to have some qualification for their transition into the working world. Non school attendance is addressed with a multi-agency approach and every effort made to support the child back to school.

20. The St Helena Safeguarding Board plays a pivotal role in ensuring that all aspects of safeguarding children is implemented, reviewed and ensuring ongoing support for the agency team. From all child protection agency meetings the child is either identified as "at risk" and placed on the "At Risk Register or the child becomes a child in need. For both categories core assessments are carried out and review meetings held with care plans implemented and reviewed. Since the implementation of the WOCO private fostering, adoption and Looked After Children systems are being reviewed.

21. Social Services has had the support of the Barnardo's SCOT Programme that enabled staff training, material resources and TC support in developing safeguarding for children and families in the overseas territories. Social Workers and Police personnel also benefited from an Achieving Best Evidence course. Additional training support through the programme was also undertaken for recognizing abuse for vulnerable and disabled children and being able to communicate with them. Social Services is now managed by Senior Social Services Manager. This is a new Technical Cooperation post and the role is carried by an experienced UK Qualified Social Worker. Policies and procedures are being reviewed and staff will be trained with input from the newly recruited Social Work Trainer. The Social Work Division works with the Police, Education and Employment Directorate, Health and other relevant agencies to investigate and deal with cases of abuse and neglect. Protection and care plans are put in place to maintain and sustain the survival and development of the children. There are three Social Workers covering all aspects of social work on the island.

22. The views of children are taken into account. Schools recognise the need for children to be able to voice their opinion and have implemented schemes to support this. All children on St Helena receive an education and have the right to attend school. Article 16 (2) of the constitution provides every "child of the appropriate age, as provided by law, shall be entitled to receive primary education which shall," (subject to the right to utilise private education), "be free". But the Education Ordinance exceeds this minimum standard, as secondary education is also provided and is free.

23. Since 2010 a Youth Parliament has been set up and there has been proactive participation by Secondary School children. During the latter part of 2012 one Elected Member of Legislative Council was nominated as Children's Champion and it is hoped that

the role will be appropriately filled within the new Council following a forthcoming General Election in July 2013.

24. The Social Work Division works very closely with the Mental Health team in helping children and young people understand their emotions and actions. The Child Adolescent Mental Health Team has been established since 2010 and meets on a monthly basis. This is a multi-agency team approach that comprises of personnel from Education's primary and secondary schools, Social Services and Community Psychiatric Nurses. The Primary schools have an Emotional and Behavioral Difficulties Counselor and the Secondary School had a Deputy Pastoral Head Child Protection Officer who liaises closely with Social Services on any issues coming to light involving children. As need be regular contact is made with the overseas Psychiatrist and Psychologist from the CPN side. When on island these two service personnel assess the child respectively as need is identified. The Psychologist when on island also carries out assessments for children identified by the school.

25. There are no reports of xenophobic incidents and no evidence of xenophobia. The death penalty is not available to the courts on St Helena. All deaths on the island are properly registered and where appropriate, in relation to suspicious circumstances all deaths are properly investigated by the Police under the supervision and direction of a Coroner. Children are properly protected by the law on street violence, in addition, Police visit the schools and New Horizons to deliver DARE presentations to create awareness on the law and associated offending.

26. Schools have Whole School Behaviour Policies/Anti-bullying Policies that set out procedures to follow in ensuring that they are protected against any kind of discrimination. Schools have systems in place for pupils/students to use should they feel they are not being treated properly and all are aware of these channels.

Chapter IV
Civil rights and freedoms

27. The Immigration Service of the Police Department retains data of all details of foreign visitors to the island. No persons are subject to torture or any other inhumane treatment including corporal punishment.

28. All pupils/students are made aware of their civil rights and freedoms through the Personal, Social, Health and Citizenship Education Programme. Topics covered include: Citizenship, Rights and Responsibilities, Political Literacy, Community Involvement and St Helena Law.

29. The Social Work Division (SWD) works with other agencies in providing support, guidance and advocating for children and young people. The SWD through the Child Protection Working Group takes the lead in investigating abuse or neglect and formulating and implementing plans that offer a better environment for the children. Advocacy for young people is still in its infancy and there is need for further development.

30. The teenage pregnancy rate for St Helena remains low and has not changed over the last 5 years. The cause of this low trend could be because of falling birth rates due to attrition of people of reproductive age, good uptake of family planning services and improvement in sex education within schools. There are no cases of single parents who are homeless and cannot care for their child. However there is need for parenting support and improved financial support for all parents who live on the breadline.

Chapter V
Family environment and alternative care

31. As part of child services and generic social work parents/guardians are assisted in providing the right guidance and direction for their children. When the Social Work Division (SWD) work with children and families the primary responsibilities of the parents/guardians are brought to the fore. The SWD has also joined other agencies (police, education, health, New Horizons) in highlighting the responsibilities of parents/guardians through the media. Social Services offer individual parenting support programmes and Strengthening Families Programmes and Family conferencing. Systems are being developed to further improve this support for families and children. Private fostering and adoption are currently being pursued through media adverts and assessments undertaken. Adoption Regulations to supplement the WOCO are currently being drafted.

32. The Child Protection Working Group works with parents/guardians and children to avoid separation. However, when separation is suggested and the parents/guardians are not perpetrators of violence or abuse against the child then a voluntary separation is sought where everyone is in agreement to the decision made and the conditions that are set. This kind of separation would involve the child being placed in the Family Centre for a short period of time. This short period of time would include a detailed care plan which would involve rigorous monitoring, re-evaluating and reassessing. This would enable the Child Protection Working Group to decide whether the child should return home or not.

33. An Emergency Protection Order would be applied for if abuse or neglect puts the child at risk. An order of this nature would also be sought if separation was in the best interest of the child and all parties or one party was not agreeable to it.

34. Some parent(s)/guardian(s) leave St Helena Island for extended periods of time for the purpose of working overseas. They therefore leave their children behind with relatives. Before 2010 children left behind were privately fostered by their relatives. An amendment made to the WOCO in 2011 made provision that a child is not privately fostered if living with relatives. A contract is drawn up between the parties to ensure that the child is maintained financially and a copy kept on file.

35. The SWD is responsible for the registered Children's Home, the Family Centre that exists for the purpose of accommodating children deprived of their family. This will only be used if extended family or relatives cannot be found or if close friends who could provide a family environment are not available. If they are placed in the Centre then a care plan is put in place that is monitored and reassessed on a regular basis.

36. Adoption has not occurred for many years on St Helena. However, if it takes place then agencies would follow the letter of the law with the best interest and the views of the child to the fore. The WOCO does not include Adoption regulations but these are being drafted and will include a registered Adoption Agency and Panel.

Chapter VI
Basic health and welfare

Children with learning difficulties

37. All children with some degree of learning disability are registered and will have core assessments carried out with individualized care plans and Individual Education Plans through a multi-agency approach.

38. There needs to be an improvement in dedicated day care and Respite services to relieve family stress related illness and to work on behavioural modification programmes with the child so that they can be managed more effectively in their homes. A Challenging Behaviour Unit was set up in 2006, to accommodate young adults with severe challenging behaviours. Plans are being drawn up for a new purpose-built home for young people with such disabilities. Plans for the new Barnview home will encompass a unit specially for children. With the new developments planned for Social Services a dedicated daycare service will be in place.

Health and health services

39. Mental Health services are available on the island which is run at community level and includes a weekly mental health clinic. 2010 saw the establishment of a Mental Health Team comprising of the Mental Health doctor, CPN's and Social Care Manager who has monthly supervision with the off island Psychiatrist for direction and advice on each case discussed. The service is still supported by both a Psychiatrist and a Psychologist although based off island. Training for social, health and education personnel has been given. The national Immunization programme has been revised to include Meningitis C.

40. The Directorate of Health and Social Welfare has recently reviewed its Welfare benefits policy. One of the recommendations was to introduce Child benefit for all children.

41. Childcare services and facilities in place for all children are: Two crèches, 16 private child minders, non-compulsory nursery education at each primary school.

42. Currently all pupils/students from Key Stage 2 are educated on protecting themselves against diseases such as HIV/AIDS and Sexually Transmitted diseases through the Personal, Health, Social and Citizenship Education programme. They receive education also on Personal Safety. A national Sexual Health Strategy includes action on increase awareness and education to young people on Sexually Transmitted Infections and HIV/AIDS. The Sexual Health Strategy Group is responsible for overseeing policy implementations with the different organisations including those that deal with young people.

Chapter VII
Education, leisure and cultural activities

43. There are currently 45 primary and 39 secondary teachers in St Helena, which include teaching assistants. There are 333 primary and 244 secondary pupils. An Adult and Vocational Education Service is in place and provides an extended opportunity for learning to students who have reached school leaving age and to adults who would like to develop their skills, academically or vocationally.

44. New Horizons is a youth organization that was set up in April 2003. Its main purpose is to improve the quality of life for the youth of St Helena through promoting healthy lifestyles.

45. New Horizons continues to develop as an organisation. Activities are provided six days per week and include club nights, archery, games and sports (indoor, outdoor and water). New Horizons opens every day of the school holidays.

46. New Horizons operates a zero tolerance policy on underage smoking, drugs, underage sex and underage drinking. It provides young people with information on these issues.

47. New Horizons provides a better quality of social life for the whole community. It organizes family events for the whole community and an annual Youth games event. New Horizons has undertaken an annual effort to take a group of members to the neighbouring Ascension Island to participate in sport and leisure activities.

48. New Horizons play an important role on the Safeguarding Children Board and has direct links with relevant agencies and committees such as the Sexual Health Strategy Group, Human Rights Capacity Building Group, Safeguarding Children Board and the National Amateur Sports Association. There is also a Youth Parliament which engages in debates with Council and has successfully argued for change in government policy.

49. Along with other activities a youth games is organised once a year allowing the youth to participate in different sports. A fitness gym is available which will hopefully encourage the youth of the island to lead healthier life styles.

50. All students have the opportunity to participate as fully as possible in activities through planned lessons, Lunchtime Clubs and Extra Curricular activities. The Social Work Division takes the lead in some cases by facilitating conferences that pull together relevant agencies that can put together a plan that will enable the children to move forward and develop holistically.

Special educational needs and disability

51. There are six pupils of compulsory school age with significant disabilities and there is one placement at Barnview House, a day care/residential unit for the disabled. This pupil has profound disabilities and needs a high level of support. All pupils were assessed by an Educational Psychologist in July/August 2004. Recommendations made have been followed up and the pupils' Individual Education Programmes are regularly monitored and reviewed. Both primary and secondary sectors have their own Learning Support Centres which have well-resourced teaching aids for pupils experiencing learning, behavioural and emotional difficulties. There is a Special Educational Needs Code of Practice, which outlines the fundamental principles, practices and procedures for special educational needs provision. Pupils with significant disabilities are integrated in mainstream schools as part of an inclusive system. Special needs children are supported within the school curriculum with Teaching Assistants to support their learning and development. Multi agency school reviews which involves the child and family are held for each individual child to monitor their progress and Transitional school leaving programmes are in place for the child upon reaching school leaving age for employment. Currently the SHAPE Enterprise accommodates a working environment for young vulnerable and disabled persons and prepares them for work within the wider community for those with the capability do to do. Those needing sheltered employment is supported by SHAPE for much longer periods. SHAPE also enables Life Skills Training Programmes for the special needs school children which is also supported by the Occupational Therapist. An Additional Needs Register is currently being implemented to determine the level of additional needs for the child within the next 5–10 years. The visiting clinical/educational psychologist also undertakes assessments through the school for each child.

Underage pregnancy

52. These students leave school at the end of the half-term in which they have informed the school that they are pregnant.

53. They are given support for their studies from the school. The rate of underage pregnancy still exists as approximately 1 per academic year. Students who have not completed their studies are normally allowed to return to complete their schooling on application to the Education Committee, following the birth of their baby.

Chapter VIII
Special protection measures

Children in conflict with the law

54. The judicial process is operated through the Juvenile Court (for persons under the age of 17 years), the Magistrates' Court, Supreme Court, Court of Appeal and Judicial Committee of the Privy Council. The Juvenile Court and Magistrates' Court is presided over by the Chief Magistrate a UK legally qualified resident judge. Lay Magistrates may sit with the Chief Magistrate or in a bench of three without the Chief Magistrate. All lay Magistrates receive ongoing training from the Chief Magistrate. The Supreme Court is presided over by the Chief Justice a visiting legally qualified UK judge. The Court of Appeal and Judicial Committee of the Privy Council consists of senior UK legally qualified judges. Individuals are represented by the Public Solicitor and Assistant Public Solicitor appointees with UK legal qualifications and a number of lay advocates. Prosecutions are overseen by the Attorney General, and undertaken by the Attorney General, Solicitor General or Crown Counsel all UK legally qualified. UK qualified crown and defence counsel are instructed regularly where further resources are required.

55. Plans are in place to build a new Prison which includes accommodation for juveniles in accordance with HM Prison Standards.

56. In the event a juvenile is sentenced to life imprisonment, the Prison Service is not capable of providing this type of facility as the prison is only designed to cater for short-term prisoners. Funding for a new prison has been prioritized by the St Helena Government. The new facility will include accommodation for all prisoners including juveniles.

57. The Juvenile Diversion Scheme set up by the Police, Social Services and Education and designed to help Juveniles in avoiding re-offending, is still proactive with the implementation of the Offender Management Service and Social Services supports the family unit.

58. Evidence received from independent reports has unearthed allegations of child sexual exploitation in St Helena. Work is under way to stop all forms of child abuse. Measures such as child safety reviews, capacity building and an independent enquiry are being implemented. These efforts will protect children from harm and promote welfare.

Part II: Ascension

Introduction

59. The Convention on the Rights of the Child was extended to Ascension Island on 7 September 1994.[65]

60. The Island of Ascension lies in the South Atlantic some 750 miles (1207 kilometres) north-west of the Island of St Helena, with an area of 34 square miles (88.059 sq kilometres). Ascension has special characteristics from a habitation point of view. Residents are either on a service contract working for the various organisations or as accompanying families. The British Government in January 2006 determined that there would be no right of abode nor property ownership outside Government. There is no indigenous population and the above means that no permanent, settled population is

[65] Convention extended by the UK Government

currently envisaged by the British Government. This presents special challenges in complying with the provisions of the Convention.

61. Entry to Ascension and the right to remain on the Island is regulated by the Entry Control Ordinance Cap. A13[70] which states categorically that there is no entitlement for any person to land or remain in Ascension. Permission to do so is vested in the sole authority of the Administrator.

62. The population of Ascension is approximately 800 persons, which excludes visitors. This comprises of 80 per cent St Helenians, 10 per cent UK nationals, 8 per cent Americans, 2 per cent other nationalities. There are about 110 children.

63. In accordance with the provisions of the 2009 constitution of St Helena, Ascension and Tristan da Cunha, the Ascension Island Government must provide an education service for primary aged children. Education beyond age 16 must be undertake overseas and funded directly by parents. There is one school, namely Two BoatsSchool, which is an "all through" school which caters for children from Nursery through to 16 years. A separate Non-Governmental Organisation playgroup called "Ladybirds" caters for pre-school children on the island.

64. Other non-governmental service organisations such as Scouts, Cubs, Beavers, Girl Guides, Brownies, Rainbows and Ascension Explorers are actively involved with children.

Chapter I
General measures of implementation

65. The Attorney General of St Helena is also the Attorney General for Ascension Island. He is supported on Ascension by Crown Counsel and (when appointed) a Solicitor General.

66. In 2011 Ascension Island enacted the Child Welfare Ordinance 2011 which sets out detailed provisions for the protection and welfare of Children on Ascension. Additionally 2013 saw the enactment of two pieces of legislation that sought to safeguard the health and wellbeing of children with regards to smoking, alcohol and their presence in bars and clubs late at night. The Control of Alcohol and Access to Bars (Children and Young Persons) Ordinance 2013 and the Control of Tobacco Ordinance 2013.

67. There are three Lay Advocates whose function is to provide free legal advice and support to persons who may have a need of such advice and support. The Lay Advocates are able to enlist the assistance of the Public Solicitor based in St Helena and the Assistant Public Solicitor based on Ascension.

68. Copies of the Convention and Reports will are available for public viewing in the Resource Centre and the Administrator's Office.

[70] Entry Control Ordinance Cap A13.

Chapter III
General principles

Non-discrimination

69. The Race Relations Ordinance[71] makes it an offence to discriminate against anyone on the grounds of colour, race, nationality, or ethnic or national origins. The 2009 Constitution bans sexual discrimination.

70. There is no discrimination between the genders of children. Under the Births and Deaths Registration Ordinance[72] the responsibility rests with parents to register the birth of their child.

71. The school has an Equal Opportunities Policy in place and encourages staff and children to treat others equally and without prejudice. There are currently four children with a diagnosed disability attending school and who are fully integrated within their year group and are provided with additional full time one to one support.

72. Bullying in school is infrequent and rarely physical. Any bullying is promptly dealt with by the School under its Anti Bullying policy of aggressive prevention education.

Best interests of the child

73. The Child Welfare Ordinance 2011 provides for the Ascension Island Safeguarding Children's Board. This Board works with both the Government and the wider Community to develop and promote child safety policies and procedures.

74. 10 per cent of the Government's annual budget is attributed to the Two Boats School. The school applies the English National curriculum and continuous efforts are made to improve the facilities offered.

75. Schooling for some children on Ascension can occasionally be interrupted for periods during term time when employees take their families offshore for contractual leave. Such leave could be for any period of up to six weeks. There is a reciprocal agreement between St Helena and Ascension that children of families taking leave may attend school on the respective Islands where the leave is longer than two weeks in school term time.

76. There are no known cases on Ascension of poverty. A small number of cases of sexual abuse of children have been reported and investigated by the Police.

The right to life survival and development

77. The child mortality rate for Ascension Island is exceptionally low with one death being recorded (a child died soon after child birth) during the last 15 years.

78. Free medical and dental care is available to children. The general health of children on Ascension can be described as robust. The environment is regarded as secure and safe. There are no known cases of malnutrition and all children receive or are offered the recommended immunisation and health checks.

Respect for the views of the Child

79. There is a School Council, which is a students' representative body that provides a forum for students to discuss matters and to put forward suggestions, recommendations and

[71] Race Relations Ordinance Cap 84 an enactment of St Helena.
[72] A St Helena enactment applied to Ascension.

requests. In addition children are encouraged through Personal and Social Education to develop their thinking on a range of issues that affect them with Teachers providing the relevant factual support.

Chapter IV
Civil rights and freedoms

80. Children born on Ascension are eligible to be registered in accordance with the Registration of Births and Deaths Ordinance and would assume the nationality of the parent.

81. The Child Welfare Ordinance 2011 makes provision for dealing with incidences of cruelty to children.

82. There are no known asylum seeking and refugee children or children belonging to indigenous and/or minority groups on Ascension.

Chapter V
Family environment and alternative care

83. There is no legal duty for parents to ensure their children have an education however all children on Island of school age attend school. The school maintains records of all children on school roll.

84. There have been no cases of adoption for the period under review and no experience of fostering or illicit transfer and non-return of children.

85. Government itself has a responsibility for the welfare of children. The positive feature of a small community means that most people living on Ascension know each other and the children tend to be well known. They are readily accepted socially as part of the community. There are no children's homes or institutions concerned with the welfare of children.

Chapter VI
Basic health and welfare

86. All resident children receive free on island dental, medical and health care. There is one 9 bed hospital situated in Georgetown that is well equipped to provide good quality primary and secondary medical care for the Island. The service is managed by a Senior Medical Officer who is also an Anaesthetist, and supported by a surgeon, nursing and administrative staff.

87. There is no specific Social Security or child care service on Ascension.

88. There are no known cases of poverty, malnutrition, malaria, tuberculosis or HIV/AIDS in any of the population on Ascension.

89. There is no resident Ophthalmologist but annual testing services for children is scheduled around May of each year.

90. Counselling and guidance on sex education, health and wellbeing (including obesity, alcohol and drugs) is available to children through the school in collaboration with the health services.

91. The Police School Liaison Officer working with teachers as part of the PSHE programme provides information to children on issues related to road safety, drugs, underage smoking and sexual offences.

Chapter VII
Education, leisure and cultural activities

92. Education on Ascension is compulsory – see paragraph 8; and is free to all children. A broad and balanced curriculum is provided. There is also Nursery provision for those children who reach the age of three in the previous year.

93. Children are taught to the highest possible standard within the constraint of a relatively small, "all through" school.

94. The majority of children in Two Boats School are of St Helenian origin with a small number of UK origin.

95. In accordance with the English National Curriculum, children are expected to achieve level 4 in Key Stage 2 tests and be working at Level 5 or 6 by the end of Year 9 (14 year olds). As well as UK statutory tests, pupils are entered for GCSE and IGCSE Examinations. Most children take nine subjects and the results have been 86 per cent and 60 per cent achieving five or more A* – C grades for the past two years respectively.

96. Children are also encouraged to make use of the wide range of sporting activities on offer as part of the curriculum and also the use of the educational resources available on the Internet. Internet access is monitored by appropriate filtered service. This is also supported by an Internet Code of Conduct Policy.

Chapter VIII
Special protection measures

Children in situations of emergency

97. There are no known cases of children seeking refugee status, involved in armed conflict or child victims on Ascension Island.

Children involved with the system of administration of juvenile justice

98. In the Administration of juvenile justice, there is a Juvenile Court. There are no detention facilities for sentenced juveniles on island. Any sentence of detention would be served on St Helena.

99. Under the Ascension Magistrates Court Ordinance there is provision for the protection (basically from media or other public identification) of a juvenile appearing in a Juvenile Court. The Child Welfare Ordinance provides further protection and support for child witnesses and child victims appearing in Court.

Children in situations of exploitation

100. Cases of sexual exploitation and other forms of exploitation of children are not known to be prevalent on Ascension. In 2012 one case was brought to Court involving a child of 15 years who had been a victim in a sexual assault case.

Part III
Tristan da Cunha

Introduction

101. Tristan da Cunha is a small island in the South Atlantic, which is frequently described as the "most remote inhabited island in the world". Its sole settlement, Edinburgh, is set on a sloping plain below the island's plateau which rises about 2,000 ft.

102. The island has a total population of 273 people. (June 2013) of which 39 are children under the age of eighteen years.

103. The island's infrastructure includes a health and education service. Despite the absence of a formal social care system, social service related issues are incorporated under health services. There is full employment on island, and hence the island does not have a social security system. Security is provided by one full time policeman, and compulsory education is available at the St. Mary's school to children from age 5, until the current school leaving age of sixteen years (An Island Council decision in 2005 that the age of leaving school should be extended to sixteen years or beyond).

Chapter I
General measures of implementation

104. The Safeguarding Children on Tristan da Cunha Ordinance was introduced and implemented in 2012, but the Laws of St Helena will prevail if there are any shortcomings in the Tristan da Cunha Ordinance.

105. There are no legal advisors or advocates on the island, and such specialist services if required, would have to be sourced through the office of the Attorney General which is based in St Helena.

106. Despite the limited infrastructure, technical capacity and safeguarding resources on island, Tristan da Cunha has taken initial steps to develop a National Child Protection Action Plan for the children of the Island. A Safeguarding Board has been established in 2006, with responsibility for promoting the rights of children and, to develop as practicable, those systems, procedures and programmes which will improve the protection of children, and is now governed by the Safeguarding Children on Tristan da Cunha Ordinance.

Chapter III
General principles

107. The Race Relations Ordinance of Tristan da Cunha (1996) establishes that it is an offence to discriminate against anyone on the grounds of colour, race, nationality or ethnicity.

108. Whilst this legislation omits provisions against sexual discrimination, the practices on the island are informed by gender stereotyping and socialization practices. Hence, on leaving school, boys tend to enter into the manual jobs of fishing, agriculture and public works; whereas the girls and women who work outside the home are likely to be engaged in traditional and professional care-giving roles (nursing, teaching, childcare) and factory work.

109. The small size of the community encourages inclusion of all members into the society. Provision is therefore made for all children (including the one child with disabilities), to attend school and participate fully in the community. In two recent reform initiatives that impact on the protection of children, the views of children both of school age, and those fifteen to eighteen year olds in the work place, have been sought and taken into account in design of appropriate responses. These initiatives are specifically the NCH/DFID Child Protection Programme and the CLS Educational Needs Analysis.

Chapter IV
Civil rights and freedoms

110. The Children and Young Persons Ordinance of St Helena applies to its dependencies with respect to provisions for the protection of children from cruelty, inhumane and degrading treatment.

111. There are no known reported such cases of cruelty to children in Tristan da Cunha. However, corporal punishment remains the practical exception. Whilst the judicial system and educational system acknowledges corporal punishment as illegal, parents are allowed to use corporal punishment on their children within the reasonable limits of chastisement.

112. There are no asylum-seeking children or children belonging to indigenous or minority groups in Tristan da Cunha. There are no children living in poverty on island, and for those children born out of wedlock, there is no stigma or discrimination associated with birth status.

Chapter V
Family environment and alternative care

113. While the government of Tristan acknowledges responsibility for the welfare of children on the island, no child is under a care order or living in an alternative setting. There are no foster care services, institutional or residential care provisions for children on this island. There are also no known or reported cases of abuse or neglect, or adoption of children over the reporting period. Child abduction and illicit transfer of children are not issues reported to have occurred on this island.

114. Because of the close family relationships, and social networking among the islanders, children exist in this small community in a protected environment. Programmes in parenting and direct Child Care Services are not currently available to families but there is openness by the Health Services to consider such provision if the need exists.

Chapter VI
Basic health and welfare

115. Children in Tristan da Cunha have access to free medical and dental care. Special care or assistance for the one child on island with learning disabilities has improved with the intervention of education and development specialists making recommendations with regards to treatment and educational development.

116. There are no children on island affected or infected with HIV/AIDS, neither are there any cases of teenage pregnancy, sexually transmitted infections among adolescents, mental health problems, drug or alcohol abuse among children and the youth.

117. Health services on island are provided by one medical doctor, assisted by 6 specialty nursing staff. A visiting dental team service is available every 12–18 months to deliver dental care to the residents.

Chapter VII
Education, leisure and cultural activities

118. Free and compulsory education is provided to all 27 children between the ages of 5 and 15 years, enrolled at the St. Mary's School. A playgroup on island, offers daily early learning experiences for the 3–5 year olds.

119. The school is staffed by 9 teachers, 4 of whom have received some formal training. However, none are in possession of a professional qualification from the United Kingdom. Whilst children are tutored towards taking General Certificate of Secondary Education (GCSE) in Mathematics and English subjects, previous data on performance (1989), indicated that academic performance was poor, but with enhanced curriculums and dedicated teachers and students the results over the last few years improved substantially. Higher education is generally not available to students. However, two girls from Tristan da Cunha enrolled for secondary school education at Silvermine Academy in Cape Town, South Africa in 2013, and their mid-year academic results were excellent.

120. The guarantee of a job, irrespective of academic achievement may provide some reasoned explanation as to lack of motivation to achieve excellence academically. The Government of Tristan is examining the education system on island, with a view towards developing a long term strategy for educational provision.

Chapter VIII
Special protection measures

121. This island does not have children involved in armed conflicts neither is there any records of arrests of children under the age of 18 years.

122. There are no secure facilities on island for separate detention of children from adults. Should the Administrator acting in his capacity of magistrate, be required to place a child under detention for committal of an offence, provision is made (under the existing legislation of St Helena) that he may direct a child to be placed in the residence of a person deemed as "fit".

Turks and Caicos Islands

Chapter I
General measures of implementation

1. In September, 1994, the United Kingdom extended the Convention on the Rights of the Child to the British Overseas Territories, including the Turks and Caicos Islands (TCI). This Convention commits Overseas Territories to adopt and establish fundamental principles and international standards of behaviour towards children. This Child Protection Program Strategy was instituted as a means of reporting substantial progress in Overseas Territories to the UK. The program is focused on strengthening the capacity of Overseas Territories to better protect children from abuse and neglect.

2. The Turks and Caicos Islands Government (TCIG) has a vested interest and legal obligation to secure and protect the Rights of a Child. The Department for Social Development and Gender Affairs (DSD&GA), within the Ministry of Environment and Home Affairs is charged with the overall responsibility for child protection throughout the TCI. DSD&GA works closely with other key Government Agencies such as the Police, Judiciary, Education, Health, Immigration, as well as Non-Governmental Organisations (NGOs) and Church Based Organizations, Community Based Organisations (CBO's) in empowering families and protecting children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment as well as exploitation, including sexual abuse whilst in the care of parent(s), legal guardians or any other person/s who is/are responsible for the care of a child.

3. A Human Rights Commission (HRC) was established in TCI in October, 2009 to champion Human Rights. This Commission is growing in institutional capacity and is committed to sensitizing persons about Human Rights through various initiatives. The HRC liaises with the United Kingdom's Human Rights Commission and reports on the European Convention on Human Rights and its six (6) Core United Nations Human Rights Conventions, one of which is the Convention on the Rights of the Child (CRC). The Convention further stipulates that governments must not only provide the legislative framework, but also promote the physical or psychological recovery of children in a setting which fosters their health, peer- respect and dignity.

Public awareness

4. The DSD&GA in collaboration with other Government Agencies, NGOs, and CBOs have embarked on a series of public education and sensitization programs, geared at creating more awareness on various issues affecting the Rights of a Child. The DSD&GA observes annually, international programs/activities such as Child Abuse Prevention Month, Universal Children's Day and Return to Happiness programs inter alia.

5. Programs/activities/initiatives are specifically geared towards children in schools, communities and the general public. Additionally, there are a number of printed material and posters distributed throughout the islands focused on identifying types of abuse and reporting mechanisms. Seminars and workshops are also conducted throughout the TCI. The media is also utilized, where radio and television programs and special appearances highlight and speak to The Rights of a Child and Child Abuse Protection Issues. During this reporting period, there has also been a review of TCI Family Laws to accommodate the requirements of this Convention.

Harmonising the law

6. TCIG, as a member of the Organization of Eastern Caribbean States (OECS) is in the process of revising key Legislation such as the Child (Care and Adoption) Bill, Child Justice Bill, Status of Children Bill, Family (Guardianship, Custody and Access to Children) Bill, Juvenile Court Amendment Bill, Maintenance of Children Bill, and the Domestic Violence Bill. This revision was conducted by OECS Family Law and Domestic Violence Reform Committee with a view to harmonizing the existing legislation with the CRC, Human Rights and other relevant International Conventions. The Equality Ordinance also came into force in late 2012 and supports the CRC.

Chapter II
Definition of the child

7. Currently, there is no set age of majority. The Ministry of Environment and Home Affairs in conjunction with the Ministry of Education and the Human Rights Commission held public consultations to seek to standardize the age of majority. A Cabinet Paper was drafted to be put before the Legislative Assembly.

Employment

8. Anyone over the age of sixteen (16) years could be gainfully employed as per the Employment Ordinance. Persons under the age of sixteen (16), who wish to enter the field of work must have parental or guardian consent.

Child abuse

9. DSD&GA has the responsibility to monitor and manage all child abuse cases. The Department is in the process of implementing a dedicated twenty-four (24) hours Hotline for victims of abuse as well as for persons wanting to report cases of abuse. Research has shown that not all child abuse cases are reported to the relevant authorities. The dedicated hotline will provide more anonymity and confidentiality as well as a level of comfort to persons who want to report such matters. The Department intends to implement dedicated phone lines on all of its family islands to address child abuse calls from victims, concerned persons and the national community.

Voluntary testimony in court

10. Section five (5) of the new TCI Constitution (2011) protects the right of all individuals from arbitrary arrest or detention. Any child over the age of eight (8) years can be asked to testify in Court. In situations where children are called upon to give evidence, they must be accompanied to Court by a parent, guardian or social worker. Legislation is currently being drafted to provide for juveniles to give evidence by way of video link/conferencing so that they do not have to sit in the courtroom.

Deprivation of liberty

11. Section five (5) of the new TCI Constitution protects the right from arbitrary arrest or detention. The Young Offenders Punishment Ordinance, 2009, CAP 3.06, Section 7, states that, "Notwithstanding the provisions of any Ordinance, a child, upon conviction by any Court of any offence, shall not be sentenced to imprisonment, but in lieu thereof, if the Court considers that no other sentence or order is appropriate, shall be sentenced to be detained for such term, not exceeding three (3) years, as the Court may specify, in such place and subject to such lawful custody".

12. TCIG is currently in the process of establishing a Juvenile Home/Place of Safety for low to medium risk juvenile offenders. Such offenders, since 2011 are no longer sent abroad. Currently low, medium and high risk juvenile offenders subject to (CAP 17) of the Juveniles Ordinance (2009) are detained at Her Majesty's Prison on Grand Turk. The prison has separate residential accommodations that can facilitate up to twelve (12) juvenile offenders, as directed by the Court. The Prison adheres to the separation of juvenile from adult prisoners as per the Prison Ordinance, (2011), CAP 18.03.

Consumption of alcoholic and other controlled substances, and cigarettes

13. The Liquor Licensing Ordinance (2009) states that it is illegal for a child to purchase or consume alcohol. Although there is no specific provision in Law relating to children and smoking, there are a number of prevention and intervention campaigns/programs in schools and the wider community to educate young persons about the dangers and long-lasting effects of substance abuse.

Chapter III
General principles

14. The Magistrate and Supreme Courts address matters concerning children. The Courts ensure that children, within their respective jurisdictions, receive the care, guidance, and control conducive to their physical and psychological welfare. The DSD&GA plays an active role in ensuring that children are placed in a safe and nurturing environment when there is a Court Order to remove a child from the custody of his/her parent(s) or care-giver(s).

15. The Ministry of Education, Youth, Sports, Culture and Library services promotes several initiatives designed to meet the needs of children for education, freedom of expression and association. Some of these include: access to free Primary School Education; US$ 3,000,000 million in scholarships given during the period 2011–2013; the development of a Youth Policy; as well as other collaborative programs targeting youth involvement, youth parliaments, forums, and other awareness activities. The library promotes literacy through reading programs.

16. The TCI Cadet Corps have been fully established since 2006. Since its inception, it has trained over three hundred (300) youths. The Scouts and Brownies Groups also operate on most of the islands.

17. The Ministry of Health and Human Services meets the needs of children's health care by providing health care services through their community medical and primary health care clinics. They also provide prenatal and post-natal care, counselling and immunization programs at the clinics as well as in schools. Under the Medical Fees Regulations, medical treatment at these clinics is free for children of TCI.

18. The articles enshrined in the CRC are adhered to when addressing all cases of child abuse/abandonment and neglect. When dealing with such cases, the DSD&GA conducts in-depth investigations/inquiries on the family, the environment and the child under investigation and compiles a report with assessments as well as recommendations. The predominant objective to be achieved, in all cases, is what is in the best interest of the child.

The right to life

19. Part One (1), Section two (2) of the TCI Constitution (2011) under the heading Protection of Right to Life, states that, "Every person's right to life shall be protected by Law. No person shall be deprived intentionally of his or her life." Abortion is illegal in the

TCI as highlighted in the Offences against the Person Ordinance (2009), CAP .3.08, Part nine (9) Section thirty nine (39) and forty (40).

Respect for the views of the child

20. Part One (1) Section thirteen (13) of the TCI Constitution (2011) states that, "No person shall be hindered in the enjoyment of his or her freedom."

21. Children are provided with the opportunity to give their views/opinions on matters affecting their lives. Their views are taken into consideration when making critical decisions. TCIG has a vibrant Youth Department that coordinates annual Youth Parliaments to solicit the views of the youth population. The right to give one's opinion is also facilitated through forums, consultations, debates, discussions; as well as surveys and questionnaires. The country usually sends youth representatives to CARICOM Youth Ambassadors Programs.

Chapter IV
Civil rights and freedoms

22. Part One (1) of the TCI Constitution (2011) speaks to the fundamental rights and freedoms of individuals without distinction of any kind, to race, national or social origin, political or other opinion, colour, religion, language, creed, association with national minority, property, sex, sexual orientation, birth or other status. This extends to children under the Convention.

23. The TCI is an indigenous population that comprises of several different races, cultures and nationalities. Many persons have migrated (some illegally) from neighbouring islands of Haiti and the Dominican Republic as well as other parts of the world. This migration has created an imbalance between the local population and foreign migrants. As a result, there is concern about the levels of immigration into the country, more so the illegal migrants.

24. The increased number of immigrants has placed additional strain/demands on education, health and other services and has been a source of social tension between the communities. Despite the financial constraints and social implications, TCIG has provided all children with access to primary education and basic health care.

25. The Registration of Births, Marriages and Deaths Ordinance, (2009), (CAP 11.01), stipulates that each child born in the jurisdiction must be registered irrespective of nationality.

26. The Register of Births and the Adopted Children's Register record each child born or adopted in the TCI. This enables a person to later trace his or her personal history. The provisions of the above-mentioned Ordinances also allow for a child to retain his or her identity.

27. The TCI Constitution (2011), Part One (1), Section thirteen (13), under the heading Freedom of Expression, states that "no person shall be hindered in enjoyment of his or her freedom of expression".

28. Children in the TCI have access to information and material from a range of national and international sources, via schools and public libraries, print and electronic media, as well as the computer and the internet. Public libraries provide reference and loan material for children, and scribe to a number of publications of interest to children of various age groups. Additionally, children have access to computers in all schools and public libraries.

29. Every person in the islands has the right to freedom of thought and conscience and religious freedom subject only to the limitations prescribed by Law, as recognized by Section Eleven (11) of the TCI Constitution (2011) and subject to the right of parents to provide guidance. The Education Ordinance (1998) states that, "No person shall be denied entrance to any public school on account of the religious persuasion, race, social status or language of such person or his parent."

30. There are no restrictions on the rights of the child to Freedom of Association and Peaceful Assembly. This is enshrined in the TCI Constitution (2011). All children are allowed to join groups and various service clubs including the Cadets, Scouts, Brownies, Kiwani's and Roteract. The church plays an active role in encouraging youth groups, discussions and providing guidance to youths.

31. Part One (1) Section Nine (9) of the TCI Constitution (2011), under the heading Protection for Private and Family Life and for Privacy of Home and other Property highlights that every person has the right to respect for his her private and family life.

32. Part One (1) Section Three (3) of the TCI Constitution (2011), under the heading Protection from Inhuman Treatment, specifically states that, "No person shall be subjected to torture or to inhuman or degrading treatment or punishment".

Chapter V
Family environment and alternative care

33. The primary principle under TCI Law ensures that the best interest of the child is considered when making decisions or putting forward recommendations pertaining to the welfare of children. The Family Laws, which are currently under review, seeks to support the CRC.

Parental responsibilities

34. The DSD&GA provides parental guidance and support in the form of counselling, public education programmes and workshops. These initiatives are geared towards educating and enhancing parents' and guardians' knowledge on various parenting practices and techniques. The Department of Education holds Parent Teacher's Associations meetings in all schools to further enhance the involvement of parents in the educational development of their children.

35. The DSD&GA assists parents who may not be able to adequately meet the needs of the child. Some of this assistance includes the provision of basic school supplies, medical coverage and subsidized rental assistance.

Separation from parents

36. A child can only be removed from his/her parent's custody by an Order of the Court. The child is usually placed with family members or in Foster Care. In instances where there is no family member or foster parent who is willing and/or able to provide care and protection, the child is placed at the Providenciales Children Home (PCH). This home is a Non-Government Organisation that receives a subvention from TCIG. The children at the PCH are monitored by the DSD&GA.

37. The Foster Care System is currently being streamlined to effectively cater to the needs of vulnerable children. Clear criteria are set for foster care providers, which also includes a rigorous interview process. A Foster Care Handbook was developed to guide social workers when placing children in foster care. Added to this, the DSD&GA maintains a Register of children currently in care. It is one of the Department's mandates to develop a

National Plan of Action in the near future to promote sustainable collaborative action towards the protection of all children in TCI. Seminars, workshops and training programs are available for foster care providers.

Recovery of maintenance for the child

38. Section Twelve (12) of the Domestic Proceedings Ordinance (2009), CAP (11.03) makes provisions for maintenance to be paid for children by either parent. The Ordinance was recently reviewed by the Overseas Eastern Caribbean States (OECS) and will be enacted once approved by the House of Assembly.

Illicit transfer and non-return

39. The TCI is not a signatory to the International Hague Convention or any other International Conventions regarding the illicit transfer and non-return of children. In such rare cases, a collaborative effort is made by the DSD&GA, the Ministry of Border Control and Labour and the Royal Turks and Caicos Police Force, through the Governor's office, which relies on the diplomatic relations between countries to deal with this problem.

Periodic review of placement

40. A stringent screening process for new foster care providers has been implemented. Additionally, a Foster Care Register has been established to monitor the movement of children. The DSD&GA has a written policy which guides and directs social workers to conduct quarterly reviews of all cases.

41. Once a child has been placed in Foster Care, social workers are required to conduct bi-weekly home visits with clients as well as make frequent school visits. Meetings are held throughout the islands with Foster Care providers with the intention of assessing their needs as well as determining if their needs can be facilitated. There is currently a shortage of foster parents and a lack of residential foster care homes. The DSD&GA is currently in the process of engaging additional persons to become foster parents.

Chapter VI
Basic health and welfare

42. Basic health-care is accessible to all children across the islands. Presently, there are two hospitals, which are accessible to all children living or visiting in the TCI that provide medical, obstetric, paediatric as well as other specialized services.

43. Each island within the TCI has at least one health-centre. There are a total of eight (8) Health Centres in the public sector and seven (7) private clinics. Each health centre has at least one scheduled antenatal, postnatal and Child Health Clinic per month depending on the population of the individual island. All the islands have a Resident Nurse/Midwife, a Resident/or a Visiting Public Health Nurse as well as a Resident/or Visiting Physician. All antenatal clients who are at high risk or need additional obstetrical care are referred to the hospital. All postnatal mothers and babies are seen within the first two weeks either by home visits conducted by the Public Health Nurse or by the client visiting the Health Centres. The Gynaecologist sees all postnatal mothers, and the Paediatrician sees all infants in the postnatal period. Ninety nine percent (99 per cent) of all pregnant women access antenatal care.

44. The Expanded Programme for Immunization has played a key role in the reduction and maintenance of a low infant and child mortality rate. TCI has seen its long-term impact with no incidence or deaths from any of these diseases under surveillance. Immunization

coverage for the past years has been maintained at above ninety five percent (95 per cent) for children under the age one (1) years and over ninety percent (90 per cent) for children between the ages of twelve to twenty three (12 to 23) months.

45. Postnatal mothers are educated on various topics at their homes as well as at the clinics on environmental and personal hygiene for mothers and infants, accident prevention, diet, breastfeeding, and immunization, via oral presentation. Mothers are encouraged to exclusively breastfeed for at least four (4) to six (6) months. They are also lectured on the advantages of breastfeeding their infants as it prevents Gastroenteritis and obesity.

46. Added to this, there is an active School Health Programme in the TCI, where Public Health Nurses and their teams visit each school. At the schools, immunizations are given as required, children are examined, and health education programs are also conducted.

HIV/AIDS

47. HIV/AIDS continues to be a challenge for the TCI. The HIV/AIDS epidemic is considered to be a generalized one with the main mode of transmission being heterosexual. TCIG has recently put forward a policy which re-affirms its commitment to the fight against HIV and AIDS. This policy is intended, among other things, to promote a more supportive environment, and harness the energies of a broader spectrum of sectors and agencies in the National Response to fight against this disease and stigmatisation.

Disabled children

48. The Ministry of Health and Human Services operates two Wellness Centers which provide long term housing for Special Needs adults. Plans are under way with the Special Needs Committee to develop day care respite centres for special needs children and the elderly.

49. Recreational and respite services can be very beneficial towards the total development of clients but it is hindered by lack of resources, in particular inadequate manpower and funding.

50. The Juveniles Ordinance (2009), Part two (2), Section eight (8) speaks to the care and protection of children. Any police officer or social worker may bring a juvenile in need of care and/or protection before a Juvenile Court. In cases where a juvenile has been placed under the supervision of a social worker, that officer shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment, and may, if it appears necessary in his interest do so, at any time while the order remains in force and he is under the age of sixteen years, bring him before a Juvenile Court.

51. The DSD&GA provides some assistance to parents and guardians to ensure that a child's basic needs are met. Parents are means-tested and great care is taken to ensure that the eligibility terms are non-discriminatory to the families concerned. These programmes include social enhancement aid, home help, childcare – including foster care, adoption, early childhood education and welfare grant.

Early childhood education

52. There are no public preschools on the islands. The DSD&GA assists parents with school fees for early childhood education. The Ministry of Education monitors the Early Childhood Development Service in TCI. It ensures that all pre-schools meet the required set health and safety and education standards. Public Primary Schools provides early childhood education in its kindergarten classes for children ages three and above (3+).

Foster care

53. The DSD&GA assesses children who are in need of care and protection and place them with relatives or with a foster parent once a Court Order is made. The Department assumes financial responsibility for the children in care. A weekly income is provided to the caregiver for the upkeep of such children, and every year the Department provides books and uniforms.

Welfare Grant

54. The DSD&GA assists parents and guardians in providing basic amenities for children. These may include rent and furniture.

Chapter VII
Education, leisure and cultural activities

55. The Ministry of Education has adopted, and extended, the UNESCO International Commission on Education for the twenty-first (21st) century.

56. Several cohesive instruments guide education in the TCI. Schedule 2, Part I, Article 12, Section 2 of the TCI Constitution (2011) states that, "Every child of the appropriate age, as provided by Law, shall be entitled to receive primary education which shall, subject to Section 3, be free." The Education Ordinance (2009), the Education Regulations and a dated Five Year Education Plan, have guided the development of an "*Education For All Policy Document*".

57. Elements of the Education Policy (2002) are already in effect. Other elements are being incrementally implemented. The policy document makes provision for all children, especially within the compulsory school age of four (4) to sixteen (16) years to be provided with pre-primary and secondary education. For the most part, education is provided through the public school system. However, on islands such as Grand Turk and Providenciales where economic activity has shifted demographic trends, student enrolment figures have outstripped seating capacity in institutions of learning. In such instances, the Mnistry of Education has voluntarily subsidized children's education in private schools, thereby ensuring that no child is deprived of quality education.

58. In an effort to lower illiteracy rate, a Literacy Programme has been implemented and is monitored and managed by the Department of Education. Students are exposed to Information and Communication Technology (ICT) from the primary school level to keep abreast of technological advancements. All primary schools are equipped with computer laboratories and have designated Computer Teachers. A public/private sector partnership was recently ventured into, which facilitated an upgrade to internet access in al public schools.

59. At the secondary level, students are exposed to a general education programme for the first three (3) years. At the commencement of the fourth year, they are given the option of selecting educational clusters, (Arts; Business; Science; Technical/Vocational; and Careers Development), which are in tandem with their career choices. ICT is also offered as a compulsory subject, and as an option within the Business Education and Careers Development Programmes. Guidance and Counselling programmes are managed by trained Guidance Counsellors. Such services are fully established at the four (4) secondary schools.

60. The DSD&GA has a Continuous Education Program which caters to teenage mothers at the New Beginnings School in Providenciales and the Business College in Grand Turk. This program has been expanded over the years to include other disadvantaged groups in the community. The subject areas being taught under the programme include

cosmetology, hairdressing and TCI studies. Discussions are currently being held for the Ministry of Education to manage such schools. This move will seek to add further benefits to the students.

61. While corporal punishment in schools has not been abolished, there is a general consensus to review the Ordinance and existing policy with the intention of abolishing it and replacing it with other effective means of discipline.

Rest, leisure, recreation and cultural and artistic activities

62. The Education Policy (2002) recommends that, "All schools should have access to outdoor track and field facilities either for independent use or shared by another school". It further states that, "The Ministry of Education should train several persons as coaches in various sporting activities with a view to having a cadre of local coaches available for national sporting events". All Public, Primary and High Schools now have Physical Education Programs and work closely with the Sports Department for the organization of students in National Sport Events.

63. A Policy and Strategic Plan is under way to guide the development of culture within schools and well as in the national arena. There are various coaching programs aimed at development of capacity in the area of coaching. Sport officers are resident on three (3) islands who work with the schools and general community. The Sports and Culture Departments have moved from Statutory Boards to Government Departments to align with Government's mandates. It is TCIG's intention to continue to promote cultural education and activities in schools, clubs, television programs and other co-curricular and other extra-curricular activities.

Chapter VIII
Special protection measures

64. There are currently no children applying for refugee status in the Islands. Any applications would be dealt with under the Immigration Ordinance (2009), and in accordance with the UN Convention on Asylum. Children, specifically from Haiti, regularly arrive by sea on sloops with their parents or relatives, and are processed as unauthorized arrivals. The practice is to detain unauthorized arrivals for a short time (generally anywhere from thirty six to forty eight (36–48) hours or up to a period of one (1) week whilst they are processed. They are then generally returned to their country of origin by air at TCIG's expense. Men and women are detained separately. Children remain with their parents, or in separate accommodation.

Training for Professionals dealing with Juvenile Justice

65. There have been some reports of children in armed conflict, especially amongst High School Students. Training on Juvenile Justice has been by the OECS. Such juveniles are tracked and monitored from their first contact with the Law, to detention, after care and release if detained.

66. Training workshops are also conducted by the Human Rights Commission and the DSD&GA for various professionals dealing with children including the police, teachers and social workers.

Isle of Man

Introduction

1. This report is a further update on the implementation of the United Nations Convention on the Rights of the Child in the Isle of Man. Information in respect of the Isle of Man was previously provided in the documents "Initial reports of States parties due in 1994 (Isle of Man): United Kingdom of Great Britain and Northern Ireland. CRC/C/11/Add.19 (08/05/98)" ("the initial report") and United Kingdom of Great Britain and Northern Ireland: Third and fourth periodic reports of States parties due in 2007. CRC/C/GBR/4 (25/2/2008). Concluding observations by the Committee on the Rights of the Child on the Isle of Man's initial report were set out in document CRC/C/15/Add.134 (16/10/2000) and certain of the Committee's concluding observations set out in document CRC/C/GBR/CO/4 (20/10/2008) on the UK State Party report CRC/C/GBR/4 related to the Isle of Man.

I. General measures of implementation (arts. 4, 42 and 44 (6))

2. The following paragraphs provide information in respect of the points in the Committee's last concluding observations (CRC/C/GBR/CO/4) that relate to the Isle of Man.

> "6. The Committee, while welcoming the State party's efforts to implement the concluding observations on previous State party's reports, notes with regret that some of the recommendations contained therein have not been fully implemented, in particular:
>
> ...
>
> (c) With respect to the initial report of the United Kingdom – Isle of Man (CRC/C/15/Add.134) those regarding, inter alia, corporal punishment (paras. 26–27); and juvenile justice (paras. 40–41).
>
> 7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the previous reports that have not yet—or not sufficiently—been implemented as well as those contained in the present concluding observations. In this context, the Committee draws the attention of the State party to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.**"

3. Corporal punishment is not permitted in either care institutions or the juvenile justice system in the Isle of Man. Under the Education Act 2001 corporal punishment had been prohibited in schools provided or maintained by the Isle of Man Government's Department of Education but not in private schools. The Education (Miscellaneous Provisions) Act 2009 amended the 2001 Act to make it unlawful to administer corporal punishment to a minor at any school or other place of education. This prohibition came into operation on 1 September 2009. There are currently no plans to reconsider the position in relation to corporal punishment by parents or legal guardians in the home.

4. The Isle of Man Government accepts that depriving a juvenile of his or her liberty is a last resort and that where a custodial sentence is necessary it should be for the shortest

appropriate period of time. The Isle of Man has had a Youth Justice Team in place for a number of years which works to prevent offending and reoffending by children and young people. This multi-agency team is led by the police and is based in the Department of Social Care. It brings together professionals from various departments of Government – Health, Social Care, Home Affairs (Police and Probation) and Economic Development. The philosophy of the team is: Prevention, Restoration and Integration.

"8. The Committee, while welcoming the announced withdrawal of the reservations under articles 22 and 37 (c) of the Convention, regrets that the State party maintains its reservation with regard to the applicability of article 32 to its Overseas Territories and Crown Dependencies.

9. **The Committee encourages the State party to withdraw its reservation to article 32 with respect to the Overseas Territories and Crown Dependencies.**"

5. The Isle of Man Government will give further consideration to whether it is possible for the reservation to article 32 to be withdrawn for the Isle of Man.

"42. **The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in the light of its general comment No. 8 on "the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", as well as noting similar recommendations made by the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural Rights, recommends that the State party:**

(a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland, and in all Overseas Territories and Crown Dependencies;

(b) Ensure that corporal punishment is explicitly prohibited in schools and all other institutions and forms of alternative care throughout the United Kingdom and in the overseas territories and crown dependencies; ..."

6. See comments in paragraph 3 above.

"77. The Committee is concerned that:

...

(b) There are still cases where children, notably those aged between 16 and 18, can be tried in an adult court, including in the Overseas Territories of Antigua, Montserrat, Bermuda as well as on the Crown Dependency of the Isle of Man;

...

78. **The Committee recommends that the State party fully implement international standards of juvenile justice, in particular articles 37, 39 and 40 of the Convention, as well as general comment No. 10 on "Children's rights in juvenile justice" the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency ("the Riyadh Guidelines") and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty ("the Havana Rules"). It also recommends that the State party:**

...

(c) Children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with;"

7. No changes have yet been made definitions of "child" and "young person" in Isle of Man primary legislation so far as they relate to the juvenile justice system but this matter is under consideration. In the meantime, although under Part 8 of the Children and Young Persons' Act 2001 "young people" are deemed to be persons under 17 years, rather than under 18 years (and so 17 year old are "adults"), from the year 2012/13 the Youth Justice Team has started to receive referrals with regards to 17 year olds in order for them to be able to receive the preventative and restorative approach to tackling offending that is offered to those under 17 years.

8. In addition, a standing order between the Police and the Department of Social Care has recently enabled 17 year olds who have been arrested and detained in police custody to have all the rights which are afforded to 14–16 year olds when detained, i.e. the rights to be treated as a "juvenile" in custody, even though the Police Powers and Procedures Act 1998 still recognises 17 year olds as adults.

9. Following an amendment to the Island's secondary legislation relating to the designation of custodial institutions at the start of 2011, 17 year olds who are remanded or sentenced to custody are now accommodated in the Secure Care Home rather than the Island's adult prison facility.

10. In relation to article 44(6) of the Convention, the Committee is advised that the page for the Advocacy Service for Children and Young People on the website of the Department of Social Care (http://www.gov.im/socialcare/services/cypas.xml) now makes explicit reference to the Convention. Copies of, or links to, this State Party report and the Committee's concluding observations will be provided on the Isle of Man Government's website.

II. Definition of the child (art. 1)

11. Subject to the information provided above, the definition of a child under the law of the Isle of Man remains unchanged from that previously reported.

III. General principles (arts. 2, 3, 6, 12)

12. As a successor to the Children and Young People Strategy 2005–2010 described in the last update report an Isle of Man Children's Plan 2009–2012 was written and widely distributed locally and made available on the Internet. Its "Vision" was:

"To ensure that children and young people:

- Are respected;
- Thrive and reach their full potential;
- Succeed in school, at college and through apprenticeships and work-based training;
- Grow up healthy;
- Have every opportunity to grow into successful adults;
- Be protected from abuse and neglect and feel safe in their families and communities."

13. Part of the development of this Plan was consultative Focus Groups run across the Island to elicit the views of children and young people of all ages. Additional consultation was arranged specifically for Looked After Children.

14. The new Isle of Man Children's Plan 2013–2015 has been drafted and is being consulted upon presently.

15. The 2009 Plan outlined a number of structural changes that had been introduced which included the introduction of The Children's Committee (now called the Social Policy and Children Committee), a Ministerial level committee, which provided the priorities, advice, guidance and support to The Children's Services Partnership, a Senior Officer level group which includes representatives from the Third Sector. This group takes the lead on strategy development and developing new ways of working across agencies and is responsible for the production and implementation of The Children's Plan.

16. The Isle of Man Safeguarding Children Board was established; primarily focusing on the protection of children; indeed, this group has recently been renamed as the Protecting Children Board. The statutory basis for this body is currently being considered.

17. The Department of Social Care is in the process of establishing an Adults Safeguarding Board whose aims are to protect and support vulnerable adults. This will complement the work undertaken by the Protecting Children Board by ensuring the family around the child are helped to provide a safe environment for the child/children to thrive in.

18. In respect of discrimination against children (and adults) the Committee is advised that the Race Relations Act 2004 was brought into operation in November 2010. This Act makes it unlawful to directly or indirectly discriminate against a person in the provision of goods and services on the grounds of colour, race, nationality or ethnic or national origins. The Act also imposes a duty on every public authority to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need:

(a) To promote equality of opportunity, and good relations, between persons of different racial groups; and

(b) To eliminate unlawful racial discrimination.

19. Other than as described above the Island's legislation against discrimination is largely unchanged since the last report. However, the Isle of Man Government is currently developing an Equality Bill which is to be based on the United Kingdom's Equality Act 2010. The intention is for a draft of this Bill to be issued for public consultation by the first half of 2014.

20. Of particular relevance to article 3 (3), the Committee is advised that a new Regulation of Care Bill has been passed and is currently awaiting Royal Assent (expected October 2013) to allow it to come into operation. The Bill will increase the number of Children's services that are regulated and inspected. Inspection reports will be available to the public and there will be stricter sanctions and penalties for non-compliance with registration standards.

IV. Civil rights and freedoms (arts. 7, 8, 13–17, 37 (a))

21. The Marriage and Civil Registration (Amendment) 2011 amended the Island's civil registration legislation so that, inter alia, the Isle of Man is now a single registration district rather than a number of separate districts but there have been no substantive changes to the requirements for the registration of a birth.

22. In respect of corporal punishment please see the information in paragraph 3 above.

23. Otherwise the position in the Isle of Man in this area is substantially unchanged.

V. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 19–21, 25, 27 (4) and 39)

24. Since the last report the Children and Young Persons Act 2001 has been amended in two relevant respects. In 2011 an Amendment Act provided for Special Guardianship Orders which offer an alternative permanency option for children. In 2013 a further Amendment Act has been passed that will alter the way in which unmarried fathers achieve Parental Responsibility, bringing the Island into line with the United Kingdom in this respect.

25. The Isle of Man Constabulary adopts a Multi-Agency approach to protecting children from the effects of both domestic violence and abuse (including psychological and emotional abuse), involving not only statutory bodies such as the Department of Social Care, Department of Education and Children, the Department of Health and the probation service (which has recently been merged with the prison service under the leadership of the prison governor) but also third sector organisations such as The Children's Centre and domestic abuse support agencies. This is in accordance with the Domestic Abuse Policy 2003.

26. It is considered that the fact that there has been an increase year on year of first time reporting of domestic abuse and a decrease in repeat reporting could show that there is more confidence in the reporting process by victims of domestic abuse. The stigma of reporting abuse is reducing and the Constabulary-wide training of police officers regarding domestic abuse plus the total multi-agency approach towards this area all strengthen the process towards combating this abuse.

27. In the 2013 the services dealing with the fostering and adoption of children, which had been carried out by two separate charities under contract to the Department of Social Care, were brought together under the auspices of the Children's Centre (formerly responsible for just fostering services). The aim of this merger was to establish more joined up and effective provision of these important services for children and families.

VI. Basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3))

28. Between 2005 and 2012, there was an average of 5.8 per cent of deaths of children under one year old per 1,000 live births in Isle of Man.

29. The Isle of Man continues to offer vaccination as recommended by the United Kingdom's Joint Committee on Vaccination and Immunisation (JCVI), including updating the Meningococcal C vaccination policy in line with UK guidance to give better protection to older children. The uptake for routine childhood immunisation is high (85 per cent–95 per cent). Vaccination against the human papilloma virus (HPV) is now offered to girls aged 13–14 years of age. The uptake of the vaccine has been very high (about 90–95 per cent). The Isle of Man is in the process of considering the introduction of rota-virus vaccine into the immunisation schedule.

30. The Physical Activity Strategy 2011–2016 for the Isle of Man outlines opportunities for the population to become more physically active to improve health and wellbeing. A number of activities have been introduced to encourage children to become more active.

Examples include the "Out2Play" scheme run by the Children's Centre and the multi-agency "Fit for the Future" activity on referral programme for young people.

31. All Primary schools are encouraged to use the Manx Skipping Challenges as a focus for becoming more active in the playground or in after-school/lunch time clubs or even in PE lessons. The skipping challenge runs throughout each school year, and in September 2013 will be commencing its 8th year. The skipping project also encourages the use of non-competitive and more creative activity through the celebration of skipping which is an event held at the end of the school year in the summer term. Skipping is an activity which promotes fitness levels, coordination, creativity, collaboration with others and is easily accessible for most children. It can be a structured fitness activity, or can be focused on play.

32. The number of children who are overweight or obese is increasing; this has become a public health concern because of the health risks involved. The Plan for Tackling Childhood Overweight and Obesity for the Isle of Man 2013 has therefore been developed to offer guidance for the prevention, management and treatment of overweight and obesity in children and young people. A multi-agency group has been set up to develop an action plan to implement the aims and objectives of the strategic plan. The "Plan" focuses on giving children a healthy start in life, for example, encouraging breast feeding, weaning with appropriate foods and nutritional balanced school meals.

33. The Drug and Alcohol Strategy Steering Group, representing every area within the Isle of Man Government, and the focussed Statistical Resolution Group commissioned by this group, particularly target the issues of concern regarding substance misuse and young people. The Physical and Emotional Health Education Officer in the Department of Education and Children works with teachers and youth workers in helping to deliver drug and alcohol education for each year group. The Young Person's Substance Misuse Specialist, who is based in the Drug and Alcohol Team, also contributes to delivering substance misuse awareness work to schools. Dedicated service provision for young people with substance misuse problems is provided in the form of this Specialist. This is augmented by the third sector organisation Motiv8, which employs a young person's worker to deal with alcohol-specific problems, and works within a Partnership arrangement via contractual agreement with the Drug and Alcohol Team.

34. The website Crashtest.im focuses on drugs, alcohol and sexual health, and explores issues such as where to find help, frequently asked questions, sexual identity and many others. The site is aimed at young people, but is a wealth of knowledge to any person who has any risk-taking behaviour issues, or needs to find help for someone who does. There is a confidential Question and Answer service for any specific concerns, which the team answer using the most appropriate professional knowledge. This website is managed by the Public Health Directorate, but has a professional team working in conjunction with Public Health, including the DAT (drugs and alcohol) team, DASH, Motive8 and GUM clinic and the Police to be able to provide relevant information on risk taking behaviour focused on Isle of Man issues and help.

35. Smoke free legislation in enclosed public places and workplaces was introduced in the Isle of Man on 30 March 2008. This has reduced exposure to second-hand smoke in public areas accessed by young people.

36. In October 2012, a consultation was launched for further tobacco legislation on the Island, focusing on banning vending machines and point of sale tobacco displays, as well as banning smoking in cars when children are present. This consultation exercise was completed December 2012 and a report was written collating the results. The majority of people (63.4 per cent) believed that smoking within vehicles carrying children under 16 years of age should be banned. Legislation is currently being worked on.

37. A research project on young people and smoking in the Isle of Man has been completed. The results were presented at the Action on Smoking and Health (ASH) Wales Conference in 2012. The implications of this research in terms of practice are under consideration for local implementation.

38. Currently, young people who wish to quit smoking are being offered support in schools and the Isle of Man College by the Quit4You Team and some School Nurses. Part of this support also includes the offer of Nicotine Replacement Therapy to young people aged 12–17 years.

39. The safe in the sun initiative which has been running for 10 years aims to prevent skin cancer by enabling individuals and communities to make effective lifestyle choices, and enable sustainable policy by the following actions related to children and young people:

- Focus on progressing effective sunbed legislation to protect young and vulnerable people (a Sunbeds Bill is currently waiting for Royal Assent);
- Inform the Cancer plan with focus on prevention and early detection of cancer (including all skin cancers).

40. Children and young people and those who care for and about them are engaging with the safe in the sun agenda 2013 in two important ways:

- Children are actively involved in assessing and protecting themselves against the dangers of artificial and natural UV light;
- People who make choices for young people are enabled to understand the risks and benefits of sun exposure without skin burning so that children can actively and safely engage in the Island community, enjoying outdoor activity and obtaining optimal doses of vitamin D from natural sunlight.

41. The Breastfeeding Act 2011 established the right for a person in charge of a baby to feed milk to the baby in a public place or on licensed premises. The Act also established a requirement in law for the Department of Health to make arrangements to support and encourage the breastfeeding of babies.

VII. Education, leisure and cultural activities (arts. 28, 29, 31)

42. There have been a number of changes in the area of the education of children since the last report. These changes are described in chronological order in the following paragraphs.

43. The Education (Miscellaneous Provisions) Act 2009 made a number of amendments to the Education Act 2001. These amendments included:

- The abolition of the Isle of Man Board of Education, with its functions being transferred to the Department, and the establishment of the Education Council as an advisory body to the Department;
- Changes in respect of ensuring attendance at school;
- Changes in respect of school discipline, including the prohibition on the use of corporal punishment at any school or other place of education; and
- The creation of a power for the Department to make regulations requiring any person employing a child to notify the Department of the fact.

44. In addition, the 2009 Act established a requirement so that where a child of compulsory school age is not a registered pupil at a provided school, maintained school or

special school (e.g. because of home schooling) the parent of the child must notify the Department in writing of the arrangements made for the child to receive education.

45. In 2010 the Department of Education was renamed as the Department of Education and Children (DEC) as part of a reorganisation of the structure of the Isle of Man Government Departments.

46. As part of focussing on the most effective use of its resources, in 2011 the Department raised the academic qualifications needed for students to be eligible to make applications for funding of degree level courses, which are usually undertaken by Isle of Man students at universities in the United Kingdom. Under this change grant would only be given to those students who achieved at least two A-Levels at grade C or above.

47. A new curriculum for Isle of Man schools, *Essentials for Learning*, was introduced in June 2011 which replaced the 2006 *Curriculum for Learning and Achievement*. The curriculum underlines the importance placed on developing a wide range of social and emotional skills as well as a child's ability to learn. As children progress through Key Stage 3 and 4, the content of the curriculum is increasingly shaped by the external examinations they sit.

48. In 2012 the DEC established a centralised database of pupils on the Island attending schools provided or maintained by the Department. This was with a view to the Department being able to carry out certain of its functions, such as attendance monitoring, more effectively.

49. In 2012 the DEC ceased to be a direct provider of preschool provision. This was partly in response to the economic situation in the Isle of Man, but also because the Department had only been able to provide a service for about 43 per cent of the children in their preschool year. The Department switched its support for preschool education to the introduction of a credit scheme to provide financial support to all families.

50. The latest data (as of July 2013) indicates that 664 families have accessed the £350 credit, and an additional 229 families have qualified for £1,150 credit (an additional £800 is available for those who would be eligible for free school meals, i.e. those in receipt of Employed Person's Allowance, Income Support or income based Jobseeker's Allowance). These current statistics indicate that 88 per cent of children who will be in the reception class in the school year 2013/14 have benefited from publicly supported preschool care and education. In addition, the Department has offered, and will continue to offer, the old preschool facilities within its schools to the private and third sectors on flexible leases.

51. The Department accepts that the changes to the provision of pre-school services have not been universally popular with parents but in all circumstances it considers that the changes were both appropriate and necessary.

52. In September 2012 the new purpose built St Ninian's Lower School was opened. This school, which houses 700 students from year seven to nine, replaced the old Park Road School, which was closed after 118 years in July 2012. The new school offers sports facilities of a high standard; improved classrooms, laboratories, drama, music and seminar rooms; and the assembly hall can be used as a 450-seater auditorium for shows.

53. The DEC continues to review the Island's educational curriculum to ensure that it is relevant and appropriate and to ensure that children's potential is identified and developed as much as possible. Human rights, respect and understanding of a multicultural world, and their associated principles are encouraged throughout all schools and built into the curriculum and ethos of school culture.

54. An Education Liaison Officers attendance service is in place which continually works towards reducing truancy and drop-out rates of Island students of compulsory school age.

55. The Department has introduced complaints and appeals procedures that are accessible to parents and guardians and also children whom are deemed to be of sufficient age and maturity to understand and operate the process.

56. Vocational Studies are available at Secondary and Higher Education establishments and youth services also are involved in NEETS programmes in conjunction with Job Centre and Adult Training.

57. Since 2011 a Career advisor has been seconded to the Youth Justice Team (YJT) from the Department of Economic Development. The advisor provides tailored support to young people who engage with the YJT who are not in education, employment or training (NEET). This recognises the fact that education, training and employment are protective factors against involvement in anti-social and offending behaviour. Young people not in education, employment or training are five times more likely than their peers to become involved in the criminal justice system and three times more likely to suffer depression, leading to longer-term health problems and costs to society. The careers advisor can refer young people to various courses accessed through DED or the IOM College. The advisor provides help with application forms and letters to employers, interview techniques and is a link to Training Services which work closely with many on and off-Island training providers and organisations. The role is aimed at diverting young people away from social exclusion towards employment or training and to provide a programme of personal development and support and to engage with young offenders.

VIII. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d), 38, 39 and 40)

58. Following an amendment to the Island's secondary legislation relating to the designation of custodial institutions at the start of 2011, 17 year olds who are remanded or sentenced to custody have no longer been accommodated in the Island's adult prison facility but instead in the separate Secure Care Home.

59. The Youth Justice Team (YJT) provides a specialist health advisor (SHA) for children and young people in the juvenile justice system. The SHA works in partnership with other agencies involved in providing services for young people with YJT to form an integrated system of services. These will be assessed using ASSET as having health needs, which in turn will inform the individual's health plan. This covers advice and information on—amongst other things—exercise, sexual health, smoking cessation, alcohol/drug/substance misuse and can refer to specialised teams for further assistance. The role of the SHA now embraces an increased access to Sexual Health due to links with IOM Sexual Health Strategy group and GUM clinic. Of the number of holistic health reviews conducted in the past year, half covered sexual health advice and half covered substance misuse advice.

60. The use of a drug arrest referral scheme and a juvenile alcohol referral scheme (JARS) have provided effective preventative educational intervention for children and young people by diverting them away from the criminal juvenile justice system. The police and YJT use other agencies and third sector to provide some aspects of this intervention. Of the 17 referrals made to JARS during 2011–2012 only three came to the notice of the YJT again for alcohol related offences within the year.

61. In 2006, there were 551 arrests of children in the Isle of Man. Ninety of those were "released no proceedings". In 2012 there were 235 arrests of children – a decrease of 58 per cent on the 2006 figures. Of these, 34 were released no proceedings. All these figures include the arrest details of children under the age of 18 years. From the earliest availability of these figures (2006) there has been a year on year reduction of numbers of child arrests. This, in a statistical way, supports the work of the YJT and police as a whole in developing early intervention strategies to divert children away from the criminal justice system.

62. Due to the reduction in the number of cases involving juveniles reaching the courts, the frequency of holding juvenile courts has been changed from weekly to monthly.

63. From 2009–2012 there have been developments to create a Corporate Parenting Group, a Child in Care Pledge, and establish a Voices in Participation Council [VIP] of children and young people in care or who have been in care to consult with in respect of policy and procedure development.

64. The VIP Council was supported by a part time Participation Officer who had experienced being in care, and had been "mentored" into the role through her involvement in the development of the Pledge and Council.

65. Additional responsibilities of the Participation Officer included supporting young people in care to deliver Voices and Participation Training to multi-agency audiences, and supporting a young person's interview panel when vacancies arise.

66. The role of the "advocate for children with disabilities' described in the last update has been expanded and re-designated as a Children's Rights Champion. The priorities of the Children's Rights Champion have been reconfigured so that children in care and children subject to a child protection plan are the priority cohorts followed by children in need, including those with a disability and children subject to CAMH interventions. Written information and briefing sessions were disseminated widely regarding the role, and the information was available on the website "Making Your Voice Heard". The Children's Rights Champion was involved in the production of a film to encourage children and young people of all ages and abilities to express their views about the services they had received. A link to the film is on the website.

67. The Department of Social Care undertook a "Transformation Programme" commencing in 2011 of its Children and Families Division which led to approval by Tynwald of 10 additional posts made up of Social Workers, Social Work Assistants and Social Work Managers.

68. The Children's Policy group agreed the principle of the Department of Social Care's children's planning processes being scrutinised by an Independent Reviewing Officer Service. This service is now integrated into a Safeguarding and Quality Assurance Unit and ensures all children in care have their plans reviewed within timescales commensurate with regulations and best practice operating in the United Kingdom. They also chair and review all Child Protection Plans for children identified as being at risk of abuse. Child Protection Procedures and safeguarding practice is scrutinised by the Protecting Children Board which is chaired by an independent person.

69. As of end of March 2013 the Isle of Man has 115 children looked after, this represents a rate per 10,000 children of 63 (compared to an average of 59 in the United Kingdom). 53 of these are in foster care on the Island which demonstrates an improvement on the stated position at the time of the last update as only 24 out of 107 looked after children were in foster care at that time. However, there is more work in this area to do as this represents 46 per cent of our looked after population compared to 75 per cent in the United Kingdom. Another positive development is the reduction in the number of children

who are placed in the United Kingdom, at the time of the previous report it was 8, it is now 3.

70. The Department now contracts with two charitable organisations for the provision on the Island of residential care for children – St Christopher's Fellowship (Isle of Man) and the Children's Centre. The Island still maintains the Secure Care Home (operated by St Christopher's under contract to the Department of Social Care) for young people who are at risk to themselves or others or who are secured on remand or custodial grounds. As mentioned above, 17 year olds who are remanded or sentenced to custody are now accommodated in the Secure Care Home rather than the Island's adult prison facility. This amendment represents a positive step forward for the welfare of young people who have to be remanded or sentenced in line with article 37(c) of the European Convention of the Rights of the Child which stipulates that every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. The Island has also decided to work within the spirit of the United Kingdom challenge [Judicial Review] and will treat 17 year olds as children not adults in the criminal justice system.

71. The Department of Social Care contracts an educational service for the Secure Care Home which was enhanced in February 2011 by the addition of an educational support service for looked after children who are not in full time education. Physical adjustments have been made to the Secure Care Home to make part of the facility available to these young people in the form of small classrooms to ensure they are enabled to reach their full potential educationally when full time mainstream schooling is not an option for them.

72. The use of the Secure Care Home for young people either on justice or on welfare grounds has decreased over recent years. From April 2010–March 2011 628 bed nights were used in total; April 2011–March 2012 234 bed nights used; and April 2012–March 2013 115 bed nights were used. These figures include those 17 year olds on remand/custody at the Secure Care Home since February 2011.

73. In July 2013 the Secure Care Home was official re-launched and renamed by the Minister for Social Care. The facility, which is now called "Cronk Sollysh" (meaning "Hill of Light" in Manx Gaelic), is run by local charity St Christopher's (IoM) under a contract with the Department of Social Care. It now offers community outreach, education support and secure residential care to young people who are in trouble with the police, are on remand or at risk from harm.

74. Due to a reduction in the number of young people needing secure care, the new integrated service has been developed on the site of the secure care home to balance the need for secure accommodation with community-based preventative and educational resources that offer the best possible all-round support for vulnerable young people and help them to reintegrate back into the community.

75. As well as providing the only secure service for children and young people on the Isle of Man, Cronk Sollysh helps young people to make positive changes to their lives so that they avoid crime, stay safe and reengage with education. The new community based support and education services include:

- Family group conferencing and mediation to help resolve conflict and create an effective support network;
- Restorative justice to help young people realise the consequences of their criminal behaviour;
- Group work to help young people with issues such as keeping safe or confidence building;

- Multi-agency working to develop tailored packages of support to meet the needs of the young person;
- Support from qualified teachers to get young people back into mainstream education or training, offer help with homework, advice on careers or college courses and the chance to develop accredited life skills – everything from time management to cooking.

76. A new Regulation of Care Bill has been passed and is currently awaiting Royal Assent (expected October 2013) to allow it to be brought into operation. The Bill increases the number of Children's services that will be regulated and inspected. Inspection reports will be available to the public and there will be stricter sanctions and penalties for non-compliance with registration standards.

77. The Isle of Man has enacted the Prohibition of Female Genital Mutilation Act 2010, which came into operation on 1 July 2011. This Act, which is based on United Kingdom legislation, prohibits all female genital mutilation unless it is committed by an approved person who performs:

(a) A surgical operation on a woman or a girl which is necessary for her physical or mental health; or

(b) A surgical operation on a woman or a girl who is in any stage of labour, for purposes connected with labour or birth.

78. The Bunscoill Ghaelgagh, or Manx Gaelic language primary school, continues to be operated on behalf of the Department of Education and Children by local Manx language body, Mooinjer Veggey. At this school children receive their education entirely through the Manx Gaelic language. On leaving the Bunscoill, children have the opportunity to learn three subjects through Manx at the secondary school within whose catchment area the Bunscoill Ghaelgagh lies.

79. The Isle of Man Government considers that it is largely in compliance with the provisions of International Labour Organisation (ILO) Conventions 138 (Convention concerning Minimum Age for Admission to Employment) and 182 (Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) and it will look again at the possible extension to the Isle of Man of the UK's ratification of these conventions.

IX. Optional Protocols to the Convention on the Rights of the Child

80. The Isle of Man Government is currently considering what legislative changes may be required to allow the United Kingdom's ratification of the Optional Protocol on the sale of children, child prostitution and child pornography to be extended to the Isle of Man.